

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND VARIANCE - E/S York Road at \* ZONING COMMISSIONER  
Loveton Circle \*  
(Belfast Site) \*  
8th Election District \* OF BALTIMORE COUNTY  
3rd Councilmanic District \*  
\* Case No. 96-37-XA  
Baltimore County, Maryland, Owners;  
American PCS, L.P., Contract Lessee - Petitioners

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property located on the east side of York Road, just north of its intersection with Loveton Circle in the vicinity of Loveton Farms. The Petitions were filed by the owners of the property, Baltimore County, Maryland, a body politic, and the Contract Lessee, American PCS, L.P., hereinafter referred to as APC, by Margaret C. Ruggieri, Esquire, through their attorney G. Scott Barhight, Esquire. The Petitioners seek a special exception to permit a wireless transmitting and receiving facility to be located on an existing water tower on the subject property, pursuant to Section 1A04.2.B.21 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition to the special exception relief sought, the Petitioners seek variance relief from Section 1A04.3.B.3 of the B.C.Z.R. to permit side yard setbacks of as little as 27 feet and a rear yard setback of 43 feet in lieu of the required 50 feet for each. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 3.

This matter came in for a public hearing before this Zoning Commissioner as a combined case with six other Petitions filed by APC. Each of the seven cases included requests for zoning relief pursuant to the applicable provisions of the B.C.Z.R. At the hearings, testimony was

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Date 11/2/95

By [Signature]

received from Gregory Sarro, a Zoning Administrator for APC. Also present in support of the Petitions were Melanie Moser, a Consultant with Daft-McCune-Walker, Inc., and Andrew Werchniak, an electrical engineer with Moffit, Larson & Johnson, a site acquisition consulting firm. The Petitioner was represented by Christine K. McSherry, Esquire.

In the site specific request by APC for the subject location, testimony was generally received in opposition to the request from J. A. Mann, who resides in Randallstown. Also appearing and testifying as Protestants in the matter were Kenneth Bosley, K. Webster Bosley, and Kerry Bosley, who reside in the Sparks area of northern Baltimore County, and Paul A. Hupfer, a representative of the Sparks-Glencoe Community Council.

The Petitions filed are part of a series of Petitions recently considered by this Zoning Commissioner on behalf of APC. As recounted in prior decisions of this office, APC is a communications company which is a new entrant in the field of wireless communications in the Baltimore-Washington demographic area. APC specializes in wireless communications, including telephone, facsimile, and computer transmissions. The company employs a state-of-the-art technology to serve its clientele. One of the features of the company's communications network is the ability of mobile users to utilize the company's services. In order to provide such service, the company is establishing a grid of inter-connecting wireless facilities. Each grid serves a specific geographic area. As a user passes from one geographic area to another adjoining area, his transmission is handed off from one facility to the next. In order to establish this capability, the company must install its wireless transmitting and receiving antennae in select areas to insure a continuous and unbroken line of communication. At the subject site, which has been referred to as the

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Belfast Site, the Petitioners propose to install its antennae on an existing water tower owned by Baltimore County. This tower is 143.5 feet in height and is located in the vicinity of Loveton Farms across from the Loveton Business Center, on land zoned R.C. 5. The tower is utilized by Baltimore County for its public needs. The Petitioners propose to install six panel antennae on the tower at a height above ground level of approximately 129 feet, roughly 3/4 the height of the tower. The antennae will be situated on the tower so as to provide service in a 360 degree range to the surrounding grid. These antennae are 53.3 inches tall, 6.3 inches wide, and 2.7 inches deep. Two small equipment cabinets will be installed at the base of the tower to provide electrical service and equipment to the antennae. The facility will be unmanned but for routine maintenance inspections.

Testimony received from Mr. Gregory Sarro of APC fully described the general and site specific details of APC's operation. He noted that the company has been in business for approximately six years and is duly licensed by the Federal Communications Commission (FCC). Mr. Sarro described the interlocking grid system as set forth above. He noted that each grid will cover an area approximately five miles in radius, and that a facility is needed in the Catonsville area in the vicinity of the subject site. He also noted that the antennae fully comply with all FCC safety standards and guidelines. Specifically, there will be no interference with microwave, radio, television, or other transmissions and there is no danger to public health, welfare, or safety.

Testimony was also received from Melanie Moser, a landscape architect with Daft-McCune-Walker, Inc. She corroborated the testimony offered

by Mr. Sarro regarding the benign effects of the proposed facility on the surrounding locale.

A packet of information was submitted and marked into evidence as Petitioner's Exhibit 1, which fully depicts the antennae and contains photographs of the existing tower on this site. An environmental effects statement was also received (Petitioner's Exhibit 4) which concludes that there will be no detrimental effect upon the surrounding locale.

As noted above, Mr. Paul Hupfer, a representative of the Sparks-Glencoe Community Association, appeared and testified in opposition to the request. He noted that other towers exist in close proximity to the subject site at the Loveton Industrial Park and suggested that the Petitioners utilize those existing towers. Mr. Hupfer also noted that Section 502.7.C.1 of the B.C.Z.R. imposes upon the Petitioner the burden to establish that it has made a diligent search for a location within a business, office, or industrial zone, or for mounting on an existing structure over 50 feet in height, prior to Petitioning for variance relief under Section 307 of the regulations.

Although appreciative of Mr. Hupfer's comments, it must be noted that the regulation upon which he relies, Section 502.7.C.1 of the B.C.Z.R. is not applicable in this case. Specifically, Section 502.7.D exempts the Petitioners from compliance with that regulation, if wireless transmitting or receiving structures are mounted on any existing structure over 50 feet in height. Thus, the Petitioners are not required to search for alternate sites in business, office, or industrial zones. Moreover, APC's witnesses testified that the subject water tower was preferable to alternate sites.

Also testifying in opposition to the request was Kenneth Bosley, President of Balama Farms, Inc., the adjoining property owner. Mr. Bosley

argued that affixing antennae on the water tower would restrict building adjacent to this site and result in economic damage to his property. These sentiments were shared by K. Webster Bosley, another interested property owner. This Mr. Bosley indicated that he may install wind turbines on his property which is located in the vicinity of the subject site, and that the proposed facility would be detrimental to such a business pursuit. It is to be noted that his venture is prospective in nature, and that currently neither plans for construction of such wind turbines or actual development of the property for such use has commenced.

Lastly, Kerry Bosley expressed certain concerns regarding impact of the proposed antennae on the health, safety and general welfare of the surrounding locale.

Although appreciative of these concerns, the testimony and evidence presented by the Protestants was not convincing to rebut the information submitted on behalf of the Petitioners. It is again to be noted that the Petitioners do not propose constructing a new tower, but merely affixing the antennae on an existing structure. Today's society and technology fills the airwaves with radio, satellite, and wireless transmissions. The general consensus of the scientific community is that these transmissions do not adversely affect the health of the population. I am not persuaded by the Protestants' argument in this regard. Moreover, there is no viable evidence that existing electrical and radio systems will be adversely affected. Lastly, as noted above, Mr. K. Webster Bosley's proposed windmill business is speculative and the relief requested should not be denied based on a potential venture.

Wireless transmitting and receiving facilities are permitted in an R.C.5 zone by special exception. Moreover, the B.C.Z.R. encourage indus-

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tries in this field to utilize existing towers. The installation of antennae on existing buildings and towers minimizes the construction of unsightly monopoles throughout the skyline of Baltimore County.

After due consideration of the testimony and evidence presented, it is clear that the proposed wireless transmitting and receiving facility at the Belfast site will not be detrimental to the health, safety or general welfare of the community. The evidence was overwhelming to support a finding that the inherent effects of the proposed facility are no greater at this location than if the facility was located elsewhere within the zone. It is clear that the Petitioner has satisfied the requirements of Section 502.1 of the B.C.Z.R. and that the Petition for Special Exception should be granted. See Schultz v. Pritts, 291, Md. 1 (1971).

The Petition for Variance should also be granted. In this case, the Petitioner requests relief to allow side yard setbacks of as little as 27 feet, and a rear yard setback of 43 feet, all in lieu of the required 50 feet, which are necessitated by the location of the existing tower. As shown on the site plan, the tower maintains a 27-foot setback on the north side which abuts land used for agricultural purposes, while on the south side adjacent to the Loveton Farms community, a 44-foot setback is maintained. However, a greater distance is maintained from this community by virtue of a tract of local open space owned by the Crossfalls Homeowners Association which runs along the south and east sides of the subject property, and an adjacent 110-foot right-of-way on the south side for the Transcontinental Gas Pipe Line Corporation. Thus, the relief requested should not pose any detriment to the surrounding locale. Again, the B.C.Z.R. expresses a preference for the installation of antennae on existing structures. Relocation of the tower elsewhere on the site is illogi-

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cal and impractical. Based on the testimony and evidence offered, I am persuaded that the Petitioners have satisfied the requirements of Section 307.1 of the B.C.Z.R. and that the relief requested should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the special exception and variance relief should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of November, 1995 that the Petition for Special Exception to permit a wireless transmitting and receiving facility to be located on an existing tower on the subject property, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 27 feet and 44 feet, and a rear yard setback of 43 feet, all in lieu of the required 50 feet each for the existing tower, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

November 2, 1995

(410) 887-4386

G. Scott Barhight, Esquire  
Christine K. McSherry, Esquire  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE  
E/S York Road at Loveton Circle  
(Belfast Site)  
8th Election District - 3rd Councilmanic District  
Baltimore County, Maryland - Owners, and  
American PCS, L.P. - Contract Lessee - Petitioners  
Case No. 96-37-XA

Dear Mr. Barhight & Ms. McSherry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Fred Homan, Director, Baltimore County Budget Office

Margaret C. Ruggieri, Esquire, American PCS, L.P.  
One Democracy Ctr., 6901 Rockledge Drive, Bethesda, Md. 20817

Mr. Paul Hupfer, 831 Walters Lane, Sparks, Md. 21152  
Mr. K. Webster Bosley, P.O. Box 585, Sparks, Md. 21152  
Mr. Kenneth T. Bosley, Box 334, Cockeysville, Md. 21030  
Mr. Kerry Bosley, Box 585, Sparks, Md. 21152

People's Counsel; Case File

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# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

96-37-XA

for the property located at East side of York Road, Sparks, MD

which is presently zoned R.C. 5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A wireless transmitting and receiving facility pursuant to section 1A04.2B 21

Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Margaret C. Ruggieri, Esq.  
for American PCS, L.P.

(Type or Print Name)

Margaret C. Ruggieri / smm  
Signature

One Democracy Center, 6901 Rockledge Drive  
Address

Bethesda, MD 20817

City State Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.  
(Type or Print Name)

G. Scott Barhight / ckmos  
Signature

c/o Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue 832-2000  
Address Phone No.

Towson, MD 21204  
City State Zipcode

Legal Owner(s):

Baltimore County Maryland  
(Type or Print Name)

[Signature]  
Signature

Drect 9 The Bully It  
(Type or Print Name)

Signature

Courthouse, 400 Washington Avenue 887-0000  
Address Phone No.

Towson, MD 21204  
City State Zipcode  
Name, Address and phone number of legal owner, contract purchaser, or representative to be contacted.

G. Scott Barhight, Esq. c/o Whiteford, Taylor & Preston  
Name

210 W. Pennsylvania Avenue  
Towson, MD 21204 832-2000  
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING  
unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE MICROFILMED

Zoning Administration  
& Development Management

**DROP-OFF**  
**No REVIEW**  
**7/26/95**  
**hcr**

ORDER RECEIVED FOR FILING

Date

By



# Petition for Variance

to the Zoning Commissioner of Baltimore County  
for the property located at East side of York Road, Sparks, MD

96-37-XA

which is presently zoned R.C. 5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section (s) 1A04.3 b 3

To permit a sideyard setback of 27 feet in lieu of the required 50 feet and to permit a rear yard setback of 43 feet in lieu of the required 50 feet. Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be presented at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Margaret C. Ruggieri, Esq.  
for American PCS, L.P.

(Type or Print Name)

Signature Margaret C. Ruggieri / smm

One Democracy Center, 6901 Rockledge Drive  
Address

Bethesda, MD 20817

City State Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.

(Type or Print Name)

Signature G. Scott Barhight / ckmc8

c/o Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

832-2000

Address Phone No.

Towson, MD 21204

City State Zipcode

Legal Owner(s):

Baltimore County Maryland

(Type or Print Name)

Signature [Signature]

Director of the Budget

(Type or Print Name)

Signature

Courthouse, 400 Washington Avenue 887-0000

Address Phone No.

Towson, MD 21204

City State Zipcode

Name, Address and phone number of representative to be contacted.

G. Scott Barhight, Esq. c/o Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Address Phone No.

Towson, MD 21204 832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

ORDER RECEIVED FOR FILING

Date

By

DROP-OFF  
NO REVIEW

7/26/95

WCR

Zoning Administration  
& Development Management

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96-37-XA

Description  
to Accompany Petition for Special Exception  
and  
Petition for Variance  
1.16 Acre Parcel  
East Side of York Road  
Eighth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue  
Towson, Maryland 21286  
410 296 3333  
Fax 296 4705

A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals

Beginning for the same at the end of the two following courses and distances measured from the point formed by the intersection of the centerline of York Road with the centerline of Loveton Circle, (1) Northwesterly along the centerline of York Road 410 feet, more or less, and thence at a right angle to said road (2) Northeasterly 33 feet to the point of beginning, said point of beginning having a coordinate value of North 81550 feet, more or less, and West 7800 feet, more or less, said values being referred to the coordinate system established in the Baltimore County Metropolitan District, thence leaving said beginning point and running the following courses and distances, viz; (1) North 08 degrees 36 minutes 52 seconds West 196.03 feet, thence (2) North 68 degrees 22 minutes 05 seconds East 253.52 feet, thence (3) South 21 degrees 37 minutes 55 seconds East 134.12 feet, thence (4) South 45 degrees 59 minutes 44 seconds West 211.46 feet, and thence (5) South 81 degrees 23 minutes 08 seconds West 104.83 feet to the point of the beginning; containing 1.16 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

June 7, 1995

Project No. 94161.20 (L94161.20)



**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

96-37-XD

District: \_\_\_\_\_

Date of Posting: 8/18/95

Posted for: Special Exception

Petitioner: Balta Co., Md.

Location of property: NEL York Rd, 4101 N/Lovington Farm Circle

Location of Signs: Facing roadway on property being zoned

Remarks: \_\_\_\_\_

Posted by \_\_\_\_\_

Signature

Date of return: 8/25/95

Number of Signs: 1

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# NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-37-XA

(Open 95)

North Rock Road, 410' N of  
Landon Farm Circle  
in Block 1, Baltimore  
3rd Councilman's  
Legal Center

Baltimore County, Mary-  
land

Lessee:

American PCS, L.P.

Hearing: Wednesday

September 6, 1995 at  
11:00 a.m. in Rm. 108  
County Office Building.

Special Exception for a  
wireless transmitting and re-  
ceiving facility. Variance to al-  
low a side yard setback of 27  
feet in lieu of the required 50  
feet and a rear yard setback of  
43 feet in lieu of the required 50  
feet.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handi-  
capped Accessible for special ac-  
commodations. Please Call  
887-3353.

(2) For information concern-  
ing the File and/or Hearing, Please  
Call 887-3391.  
8/135 Aug. 10.

## CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Aug. 11, 1995

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper published  
in Towson, Baltimore County, Md., once in each of 1 successive  
weeks, the first publication appearing on Aug. 10, 1995.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

BALTI. RE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

ITEM #35

No. 154301

96-37-XA

Drop-Off; No Review

DATE 7/26/95

ACCOUNT 001-6150

AMOUNT \$ 585.00 (WCR)

RECEIVED  
FROM:

American PCS, L.P.

FOR:

#050 - SPECIAL EXCEPTION

#020 - VARIANCE

#080 - SIGN POSTING

York Road

01A01H0426MICHRC

\$585.00

BA 6002-31PM07-27-95

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government  
Department of Permits and Licenses



111 West Chesapeake Avenue  
Towson, MD 21204

887-3610

August 9, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-37-XA (Item 35)

NE/S York Road, 410' N of Loveton Farms Circle

8th Election District - 3rd Councilmanic

Legal Owner: Baltimore County Maryland

Lessee: American PCS, L.P.

HEARING: WEDNESDAY, SEPTEMBER 6, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Exception for a wireless transmitting and receiving facility.

Variance to allow a side yard setback of 27 feet in lieu of the required 50 feet and a rear yard setback of 43 feet in lieu of the required 50 feet.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon

Director

Department of Permits and Development Management

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 1, 1995

G. Scott Barhight, Esquire  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No.: 35  
Case No.: 96-37-XA  
Petitioner: American Personal  
Communications

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 26, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over a rectangular stamp that also contains the name "W. Carl Richards, Jr." and the title "Zoning Supervisor".  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



Printed with Soybean Ink  
on Recycled Paper

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RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
NE/S York Road, 410' N of Loveton Farms	*	ZONING COMMISSIONER
Circle, 8th Election District,		
3rd Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner: Baltimore County Maryland	*	CASE NO. 96-37-XA
Lessee: American PCS, L.P.		
Petitioners	*	

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

**RECEIVED**  
AUG 14 1995

DEPT. OF PERMITS & LICENSES  
OF BALTIMORE COUNTY

WHITEFORD, TAYLOR & PRESTON  
L.L.P.

SEVEN SAINT PAUL STREET  
BALTIMORE, MARYLAND 21202-1626  
TELEPHONE 410 347-8700  
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-4515  
410 832-2000  
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW  
WASHINGTON, D.C. 20036-5405  
TELEPHONE 202 659-6800  
FAX 202 331-0573

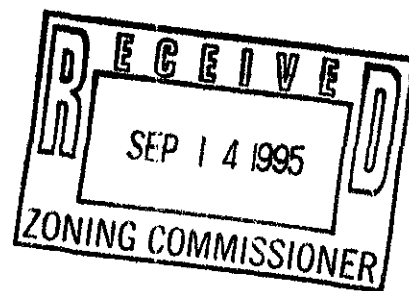
CHRISTINE K. McSHERRY  
DIRECT NUMBER  
410 832-2027

1317 KING STREET  
ALEXANDRIA, VIRGINIA 22314-2928  
TELEPHONE 703 836-5742  
FAX 703 836-0265

September 13, 1995

**DELIVERY BY HAND**

The Honorable Lawrence E. Schmidt  
Office of Planning & Zoning  
Room 112  
400 Washington Avenue  
Towson, Maryland 21204



**Re: Special Exception Case No. 96-37-XA and Case No. 96-34-X**

Dear Mr. Schmidt:

On behalf of my client, American Personal Communications, I am writing to request that you deny the request received from Mr. Paul A. Hupfer in his letter dated September 6, 1995 to delay a ruling in the above-referenced cases. In his letter Mr. Hupfer gave no adequate reason to delay a ruling in these matters. Although he states that he is requesting a delay to allow time to discuss the matter with APC, he had that opportunity prior to the zoning hearing.

Furthermore, at the hearing held on September 6, 1995, you stated on the record that you would grant the applications in these cases. As you have already ruled on the Petitions, I see no reason to delay issuing those decisions.

Thank you for your consideration of our request that you deny Mr. Hupfer's request to delay your decision. If you have any questions or comments, please feel free to call me.

Sincerely,

*Chris McSherry*

Christine K. McSherry

CKM:sl  
Enclosure

cc: Mr. Paul A. Hupfer  
Mr. Greg Sarro

58203

MICROFILMED

**GREATER SPARKS-GLENCOE COMMUNITY COUNCIL**

Post Office Box 396  
Sparks, Maryland 21152

September 6, 1995

Mr. Lawrence Schmidt  
Zoning Commissioner of Baltimore County  
Old Courts Building  
Towson, Maryland 21204



Mr. Schmidt,

The Greater Sparks Glencoe Community Council is requesting that the ruling on the Special Exception use of RC zoned land for wireless transmitting and receiving facilities at the Loveton Farms water tower (case number 96-37-XA) and the Spooks Hill Tower location be delayed. The GSGCC is requesting this delay to allow for an opportunity to discuss this matter with American PCS, L.P..

Thank You,

Paul A. Hupfer  
Chairman, Land Use, Zoning and Development Review Committee

cc: G. Scott Barhight

*Handwritten note:* 9-10-95

# Environmental Impact Statement

## Belfast American PCS Site

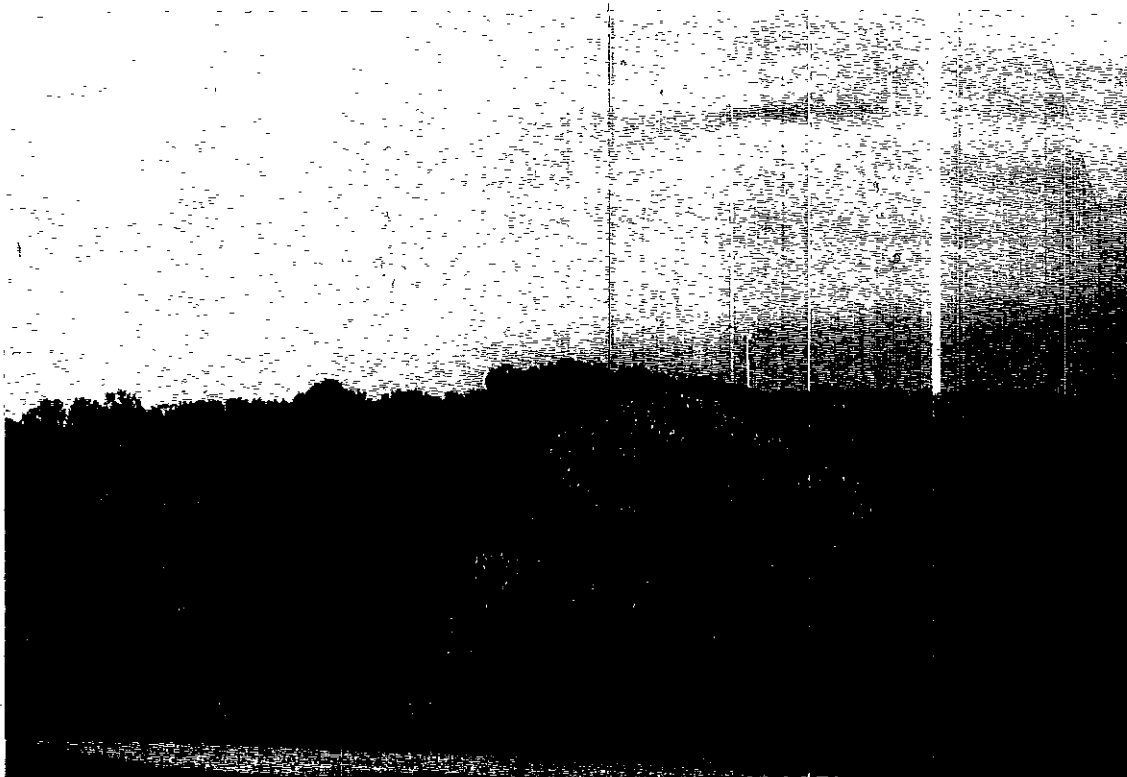
August 1995  
Project No. 94161.20

Prepared for:  
**American PCS, L.P.**  
One Democracy Center  
Suite 600  
6901 Rockledge Drive  
Bethesda, MD 20817

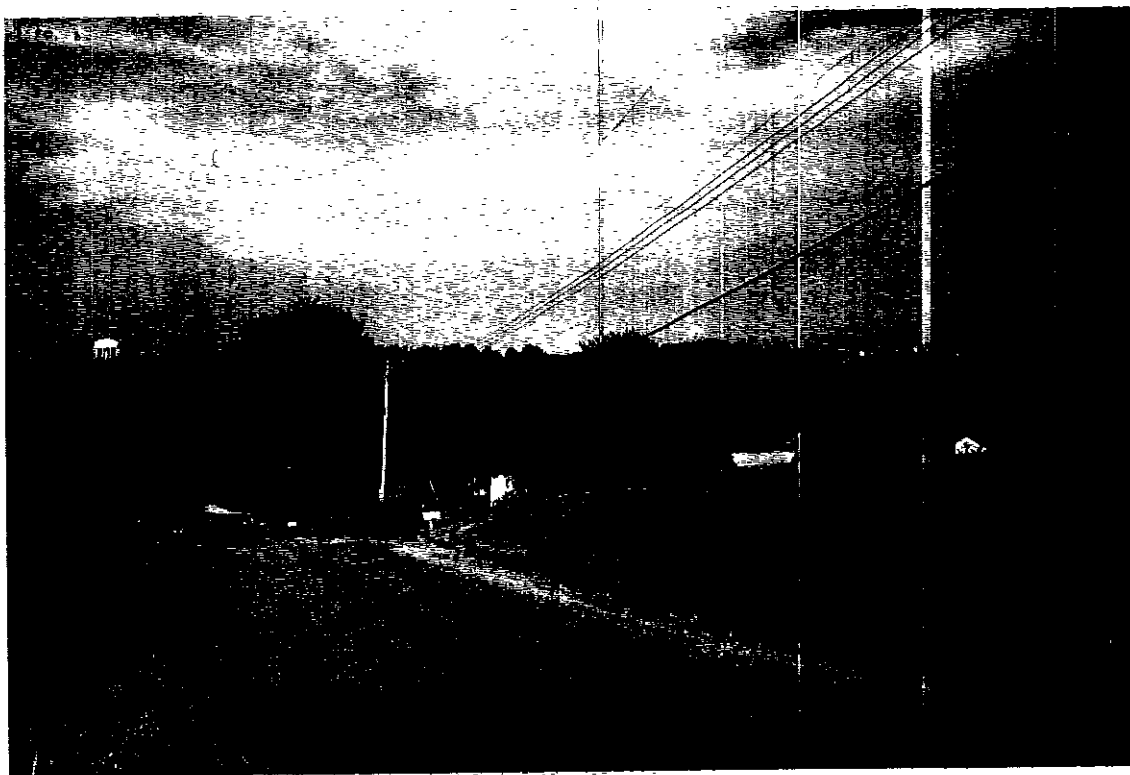


Prepared by:  
**Daft-McCune-Walker, Inc.**  
9111 First Pennsylvania Avenue  
Towson, Maryland 21286

Ref No 4



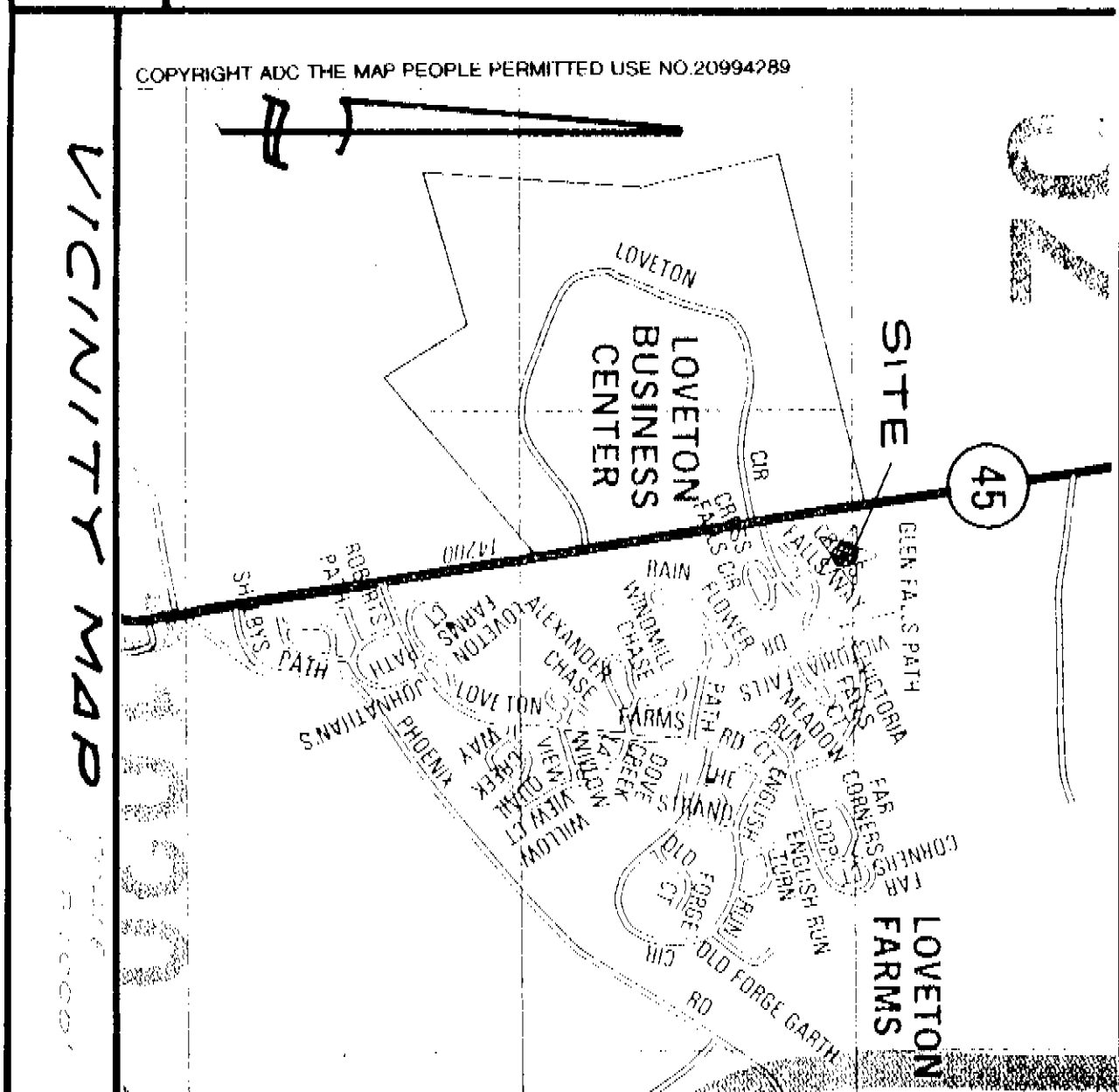
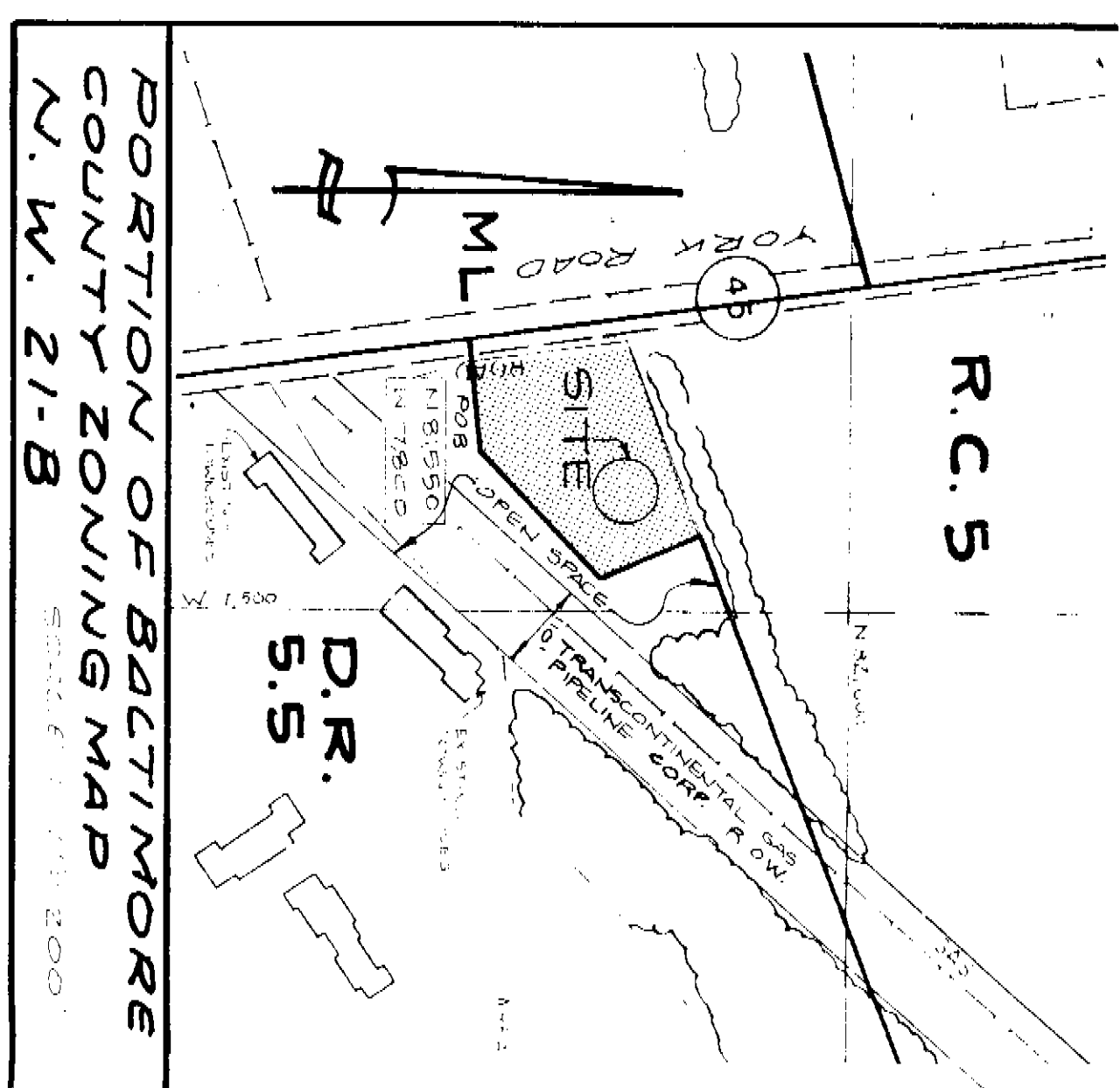
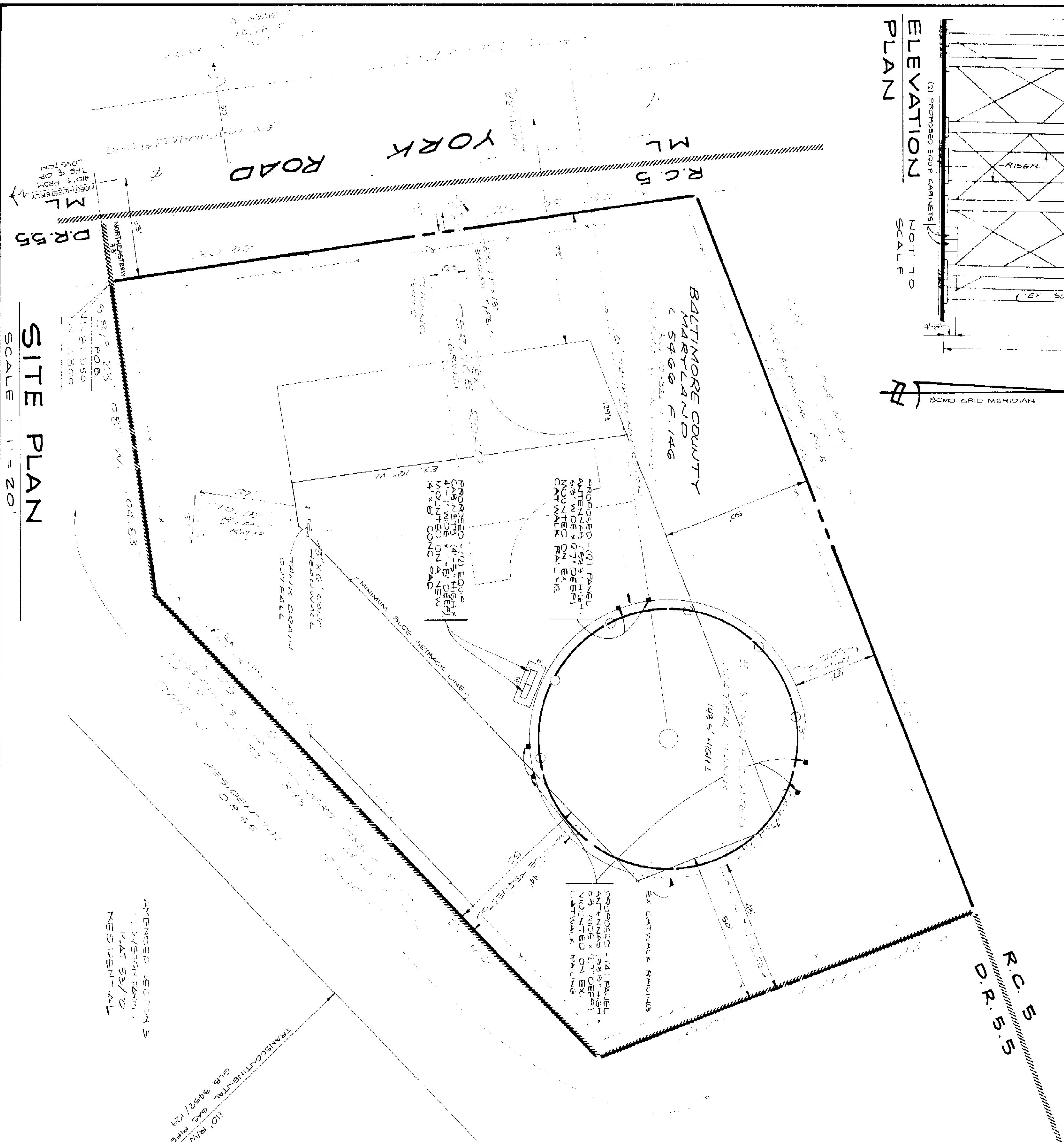
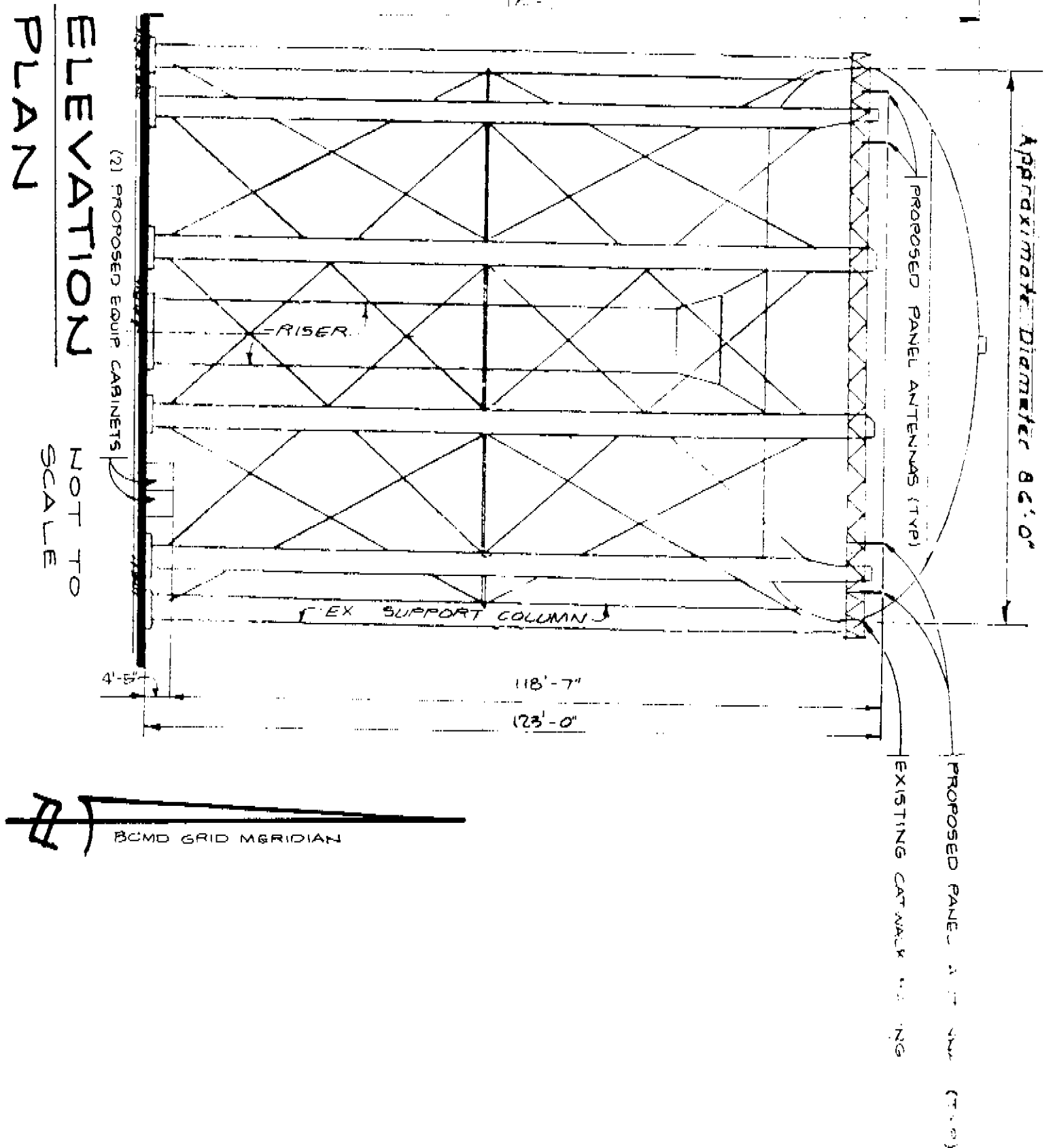
Prot 1A



Prot 1B

Protestant's  
Exhibits 1A + 1B  
96-37-XA

MICROFILMED



Aitorrey

G. Scott Barntight  
Whitford, Taylor, & Preston  
500 Court Towers  
210 West Pennsylvania Avenue  
Towson, MD 21204-4515  
(410) 832-2000

## Requested Zoning Action

Penalty for Speed Exemption to allow a vehicle's handling and recovery calculation pursuant to § 1A-01-20-21.

Penalty for Variance to § 1A-01-35-3 to permit a side yard setback of 27 feet in lieu of the required 50 feet and to permit a rear yard setback of 45 feet in lieu of the required 50 feet.


## NOTES

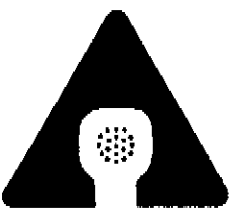
- [illegible]

96-37-X7

35

No	Description	Date
REVISIONS		
Proj. No.	24161, 20	
Date	07/19/95	
Scale	AS SHOWN	
Last Rev.		


**American Personal Communications**  
 Site Plan to accompany Petition for Special Exception and Petition for Variance  
**BELFAST SITE BAN 02**  
 8th Election District



**American Personal Communications**  
Site Plan to accompany Petition for Special Exception and Petition for Variance  
**BELFAST SITE BAN 02**  
8th Election District

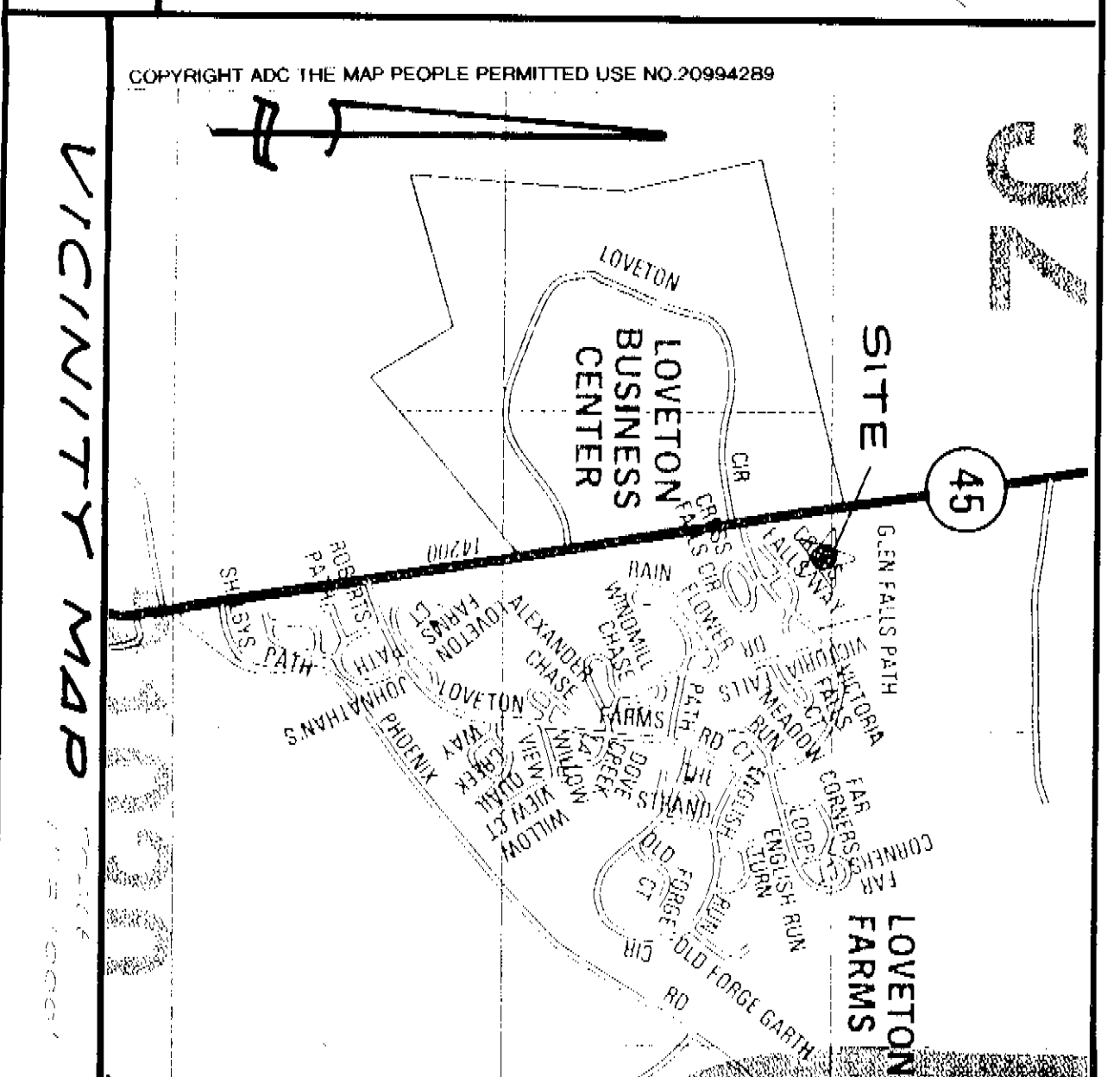
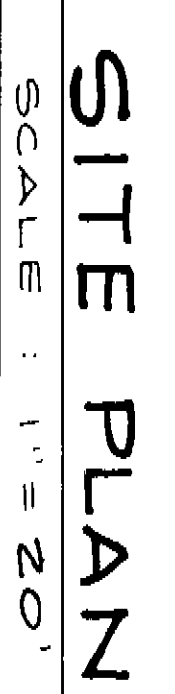
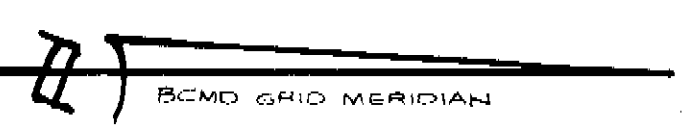
Baltimore County, Maryland

**DMW**  
Dale McCune Waters, Inc.  
A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals  
200 E. Pennsylvania Avenue  
Towson, Maryland 21286  
(410) 206-3333  
Fax: 206-4705










3 #x3. Ped



**American Personal  
Communications**

Site Plan to accompany Petition for Special Exception and Petition for Variance

**BELFAST SITE BAN 02**

4th Election District

Baltimore County, Maryland



**DMW**  
Doris McCauley Walters, Inc.  
A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals

200 E. Pennsylvania Avenue  
Lawson, Maryland 21286  
(410) 206-3333  
Fax: 296-4705



IN RE: PETITIONERS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND VARIANCE - E/S York Road at \* ZONING COMMISSIONER  
Loveton Circle (Belfast Site)  
9th Election District \* OF BALTIMORE COUNTY  
3rd Councilmanic District \* Case No. 96-37-XA  
Baltimore County, Maryland, Owners;  
American PCS, L.P., Contract Lessee - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property located on the east side of York Road, just north of its intersection with Loveton Circle in the vicinity of Loveton Farms. The Petitions were filed by the owners of the property, Baltimore County, Maryland, a body politic, and the Contract Lessee, American PCS, L.P., hereinafter referred to as APC, by Margaret C. Ruggieri, Esquire, through their attorney G. Scott Barhight, Esquire. The Petitioners seek a special exception to permit a wireless transmitting and receiving facility to be located on an existing water tower on the subject property, pursuant to Section 1A04.2.B.21 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition to the special exception relief sought, the Petitioners seek variance relief from Section 1A04.3.B.3 of the B.C.Z.R. to permit side yard setbacks of as little as 27 feet and a rear yard setback of 43 feet in lieu of the required 50 feet for each. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 3.

This matter came in for a public hearing before this Zoning Commissioner as a combined case with six other Petitions filed by APC. Each of the seven cases included requests for zoning relief pursuant to the applicable provisions of the B.C.Z.R. At the hearings, testimony was

received from Gregory Sarro, a Zoning Administrator for APC. Also present in support of the Petitions were Melanie Moser, a Consultant with Daft-McCune-Walker, Inc., and Andrew Werchniak, an electrical engineer with Moffit, Larson & Johnson, a site acquisition consulting firm. The Petitioner was represented by Christine K. McSherry, Esquire.

In the site specific request by APC for the subject location, testimony was generally received in opposition to the request from J. A. Mann, who resides in Randallstown. Also appearing and testifying as Pro-estants in the matter were Kenneth Bosley, K. Webster Bosley, and Kerry Bosley, who reside in the Sparks area of northern Baltimore County, and Paul A. Hupfer, a representative of the Sparks-Glencoe Community Council.

The Petitions filed are part of a series of Petitions recently considered by this Zoning Commissioner on behalf of APC. As recounted in prior decisions of this office, APC is a communications company which is a new entrant in the field of wireless communications in the Baltimore-Washington demographic area. APC specializes in wireless communications, including telephone, facsimile, and computer transmissions. The company employs a state-of-the-art technology to serve its clientele. One of the features of the company's communications network is the ability of mobile users to utilize the company's services. In order to provide such service, the company is establishing a grid of inter-connecting wireless facilities. Each grid serves a specific geographic area. As a user passes from one geographic area to another adjoining area, his transmission is handed off from one facility to the next. In order to establish this capability, the company must install its wireless transmitting and receiving antennae in select areas to insure a continuous and unbroken line of communication. At the subject site, which has been referred to as the

- 2 -

Belfast Site, the Petitioners propose to install its antennae on an existing water tower owned by Baltimore County. This tower is 143.5 feet in height and is located in the vicinity of Loveton Farms across from the Loveton Business Center, on land zoned R.C. 5. The tower is utilized by Baltimore County for its public needs. The Petitioners propose to install six panel antennae on the tower at a height above ground level of approximately 129 feet, roughly 3/4 the height of the tower. The antennae will be situated on the tower so as to provide service in a 360 degree range to the surrounding grid. These antennae are 53.3 inches tall, 6.3 inches wide, and 2.7 inches deep. Two small equipment cabinets will be installed at the base of the tower to provide electrical service and equipment to the antennae. The facility will be unmanned but for routine maintenance inspections.

Testimony received from Mr. Gregory Sarro of APC fully described the general and site specific details of APC's operation. He noted that the company has been in business for approximately six years and is duly licensed by the Federal Communications Commission (FCC). Mr. Sarro described the interlocking grid system as set forth above. He noted that each grid will cover an area approximately five miles in radius, and that a facility is needed in the Catonsville area in the vicinity of the subject site. He also noted that the antennae fully comply with all FCC safety standards and guidelines. Specifically, there will be no interference with microwave, radio, television, or other transmissions and there is no danger to public health, welfare, or safety.

Testimony was also received from Melanie Moser, a landscape architect with Daft-McCune-Walker, Inc. She corroborated the testimony offered

- 3 -

by Mr. Sarro regarding the benign effects of the proposed facility on the surrounding locale.

A packet of information was submitted and marked into evidence as Petitioner's Exhibit 1, which fully depicts the antennae and contains photographs of the existing tower on this site. An environmental effects statement was also received (Petitioner's Exhibit 4) which concludes that there will be no detrimental effect upon the surrounding locale.

As noted above, Mr. Paul Hupfer, a representative of the Sparks-Glencoe Community Association, appeared and testified in opposition to the request. He noted that other towers exist in close proximity to the subject site at the Loveton Industrial Park and suggested that the Petitioners utilize those existing towers. Mr. Hupfer also noted that Section 502.7.C.1 of the B.C.Z.R. imposes upon the Petitioner the burden to establish that it has made a diligent search for a location within a business, office, or industrial zone, or for mounting on an existing structure over 50 feet in height, prior to Petitioning for variance relief under Section 307 of the regulations.

Although appreciative of Mr. Hupfer's comments, it must be noted that the regulation upon which he relies, Section 502.7.C.1 of the B.C.Z.R. is not applicable in this case. Specifically, Section 502.7.D exempts the Petitioners from compliance with that regulation, if wireless transmitting or receiving structures are mounted on any existing structure over 50 feet in height. Thus, the Petitioners are not required to search for alternate sites in business, office, or industrial zones. Moreover, APC's witnesses testified that the subject water tower was preferable to alternate sites.

Also testifying in opposition to the request was Kenneth Bosley, President of Balama Farms, Inc., the adjoining property owner. Mr. Bosley

- 4 -

argued that affixing antennae on the water tower would restrict building adjacent to this site and result in economic damage to his property. These sentiments were shared by K. Webster Bosley, another interested property owner. This Mr. Bosley indicated that he may install wind turbines on his property which is located in the vicinity of the subject site, and that the proposed facility would be detrimental to such a business pursuit. It is to be noted that his venture is prospective in nature, and that currently neither plans for construction of such wind turbines or actual development of the property for such use has commenced.

Lastly, Kerry Bosley expressed certain concerns regarding impact of the proposed antennae on the health, safety and general welfare of the surrounding locale.

Although appreciative of these concerns, the testimony and evidence presented by the Protestants was not convincing to rebut the information submitted on behalf of the Petitioners. It is again to be noted that the Petitioners do not propose constructing a new tower, but merely affixing the antennae on an existing structure. Today's society and technology fills the airwaves with radio, satellite, and wireless transmissions. The general consensus of the scientific community is that these transmissions do not adversely affect the health of the population. I am not persuaded by the Protestants' argument in this regard. Moreover, there is no viable evidence that existing electrical and radio systems will be adversely affected. Lastly, as noted above, Mr. K. Webster Bosley's proposed windmill business is speculative and the relief requested should not be denied based on a potential venture.

Wireless transmitting and receiving facilities are permitted in an R.C.5 zone by special exception. Moreover, the B.C.Z.R. encourage indus-

tries in this field to utilize existing towers. The installation of antennae on existing buildings and towers minimizes the construction of unsightly monopoles throughout the skyline of Baltimore County.

After due consideration of the testimony and evidence presented, it is clear that the proposed wireless transmitting and receiving facility at the Belfast site will not be detrimental to the health, safety or general welfare of the community. The evidence was overwhelming to support a finding that the inherent effects of the proposed facility are no greater at this location than if the facility was located elsewhere within the zone. It is clear that the Petitioner has satisfied the requirements of Section 502.1 of the B.C.Z.R. and that the Petition for Special Exception should be granted. See Schultz v. Pritts, 291, Md. 1 (1971).

The Petition for Variance should also be granted. In this case, the Petitioner requests relief to allow side yard setbacks of as little as 27 feet, and a rear yard setback of 43 feet, all in lieu of the required 50 feet, which are necessitated by the location of the existing tower. As shown on the site plan, the tower maintains a 27-foot setback on the north side which abuts land used for agricultural purposes, while on the south side adjacent to the Loveton Farms community, a 44-foot setback is maintained. However, a greater distance is maintained from this community by virtue of a tract of local open space owned by the Crossfalls Homeowners Association which runs along the south and east sides of the subject property, and an adjacent 110-foot right-of-way on the south side for the Transcontinental Gas Pipe Line Corporation. Thus, the relief requested should not pose any detriment to the surrounding locale. Again, the B.C.Z.R. expresses a preference for the installation of antennae on existing structures. Relocation of the tower elsewhere on the site is illogi-

cal and impractical. Based on the testimony and evidence offered, I am persuaded that the Petitioners have satisfied the requirements of Section 307.1 of the B.C.Z.R. and that the relief requested should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the special exception and variance relief should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of November, 1995 that the Petition for Special Exception to permit a wireless transmitting and receiving facility to be located on an existing tower on the subject property, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED; and,

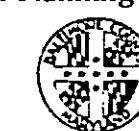
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 27 feet and 44 feet, and a rear yard setback of 43 feet, all in lieu of the required 50 feet each for the existing tower, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



November 2, 1995

(410) 887-4386

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

G. Scott Barhight, Esquire  
Christine K. McSherry, Esquire  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE  
E/S York Road at Loveton Circle  
(Belfast Site)  
8th Election District - 3rd Councilmanic District  
Baltimore County, Maryland - Owners, and  
American PCS, L.P. - Contract Lessee - Petitioners  
Case No. 96-37-XA

Dear Mr. Barhight & Ms. McSherry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Fred Homan, Director, Baltimore County Budget Office

Margaret C. Ruggieri, Esquire, American PCS, L.P.  
One Democracy Ctr., 6901 Rockledge Drive, Bethesda, Md. 20817

Mr. Paul Hupfer, 831 Walters Lane, Sparks, Md. 21152  
Mr. K. Webster Bosley, P.O. Box 585, Sparks, Md. 21152  
Mr. Kenneth T. Bosley, Box 334, Cockeysville, Md. 21030  
Mr. Kerry Bosley, Box 585, Sparks, Md. 21152

People's Counsel; Case File





# Petition for Special Exception to the Zoning Commissioner of Baltimore County for the property located at East side of York Road, Sparks, MD which is presently zoned R.C.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A wireless transmitting and receiving facility pursuant to section 1A04.2B.21  
Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:  
Margaret C. Ruggieri, Esq.  
for American PCS, L.P.  
Signature: Margaret C. Ruggieri / Jmm  
Address: One Democracy Center, 6901 Rockledge Drive  
Bethesda, MD 20817 State Zipcode

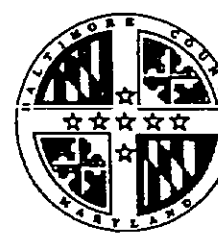
Legal Owner(s):  
Baltimore County Maryland  
(Type or Print Name)  
Signature: Direct of the Budget  
(Type or Print Name)  
Address: Courthouse, 400 Washington Avenue 887-0000  
Bethesda, MD 20817 State Zipcode

Attorney for Petitioner:  
G. Scott Barhight, Esq.  
(Type or Print Name)  
Signature: G. Scott Barhight / Jmm  
Address: c/o Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue 832-2000  
Towson, MD 21204 State Zipcode

Attorney for Petitioner:  
G. Scott Barhight, Esq. c/o Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue 832-2000  
Towson, MD 21204 State Zipcode

OFFICE USE ONLY  
ESTIMATED LENGTH OF HEARING  
unavailable for hearing  
the following date: \_\_\_\_\_ Next Two Months  
ALL OTHER DATE  
RENEWED BY: \_\_\_\_\_ DATE

ORDER RECEIVED FOR FILING  
Date: 7/26/95  
By: WCR  
DROP-OFF  
No REVIEW  
7/26/95  
WCR



# Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at East side of York Road, Sparks, MD which is presently zoned R.C.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section (a) 1A04.3 b.3  
To permit a sideyard setback of 27 feet in lieu of the required 50 feet and to permit a rear yard setback of 43 feet in lieu of the required 50 feet. Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.  
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons. (Indicate hardship or practical difficulty)

To be presented at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:  
Margaret C. Ruggieri, Esq.  
for American PCS, L.P.  
Signature: Margaret C. Ruggieri / Jmm  
Address: One Democracy Center, 6901 Rockledge Drive  
Bethesda, MD 20817 State Zipcode

Legal Owner(s):  
Baltimore County Maryland  
(Type or Print Name)  
Signature: Direct of the Budget  
(Type or Print Name)  
Address: Courthouse, 400 Washington Avenue 887-0000  
Bethesda, MD 20817 State Zipcode

Attorney for Petitioner:  
G. Scott Barhight, Esq.  
(Type or Print Name)  
Signature: G. Scott Barhight / Jmm  
Address: c/o Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue 832-2000  
Towson, MD 21204 State Zipcode

Attorney for Petitioner:  
G. Scott Barhight, Esq. c/o Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue 832-2000  
Towson, MD 21204 State Zipcode

OFFICE USE ONLY  
ESTIMATED LENGTH OF HEARING  
unavailable for hearing  
the following date: \_\_\_\_\_ Next Two Months  
ALL OTHER DATE  
RENEWED BY: \_\_\_\_\_ DATE

ORDER RECEIVED FOR FILING  
Date: 7/26/95  
By: WCR  
DROP-OFF  
No REVIEW  
7/26/95  
WCR



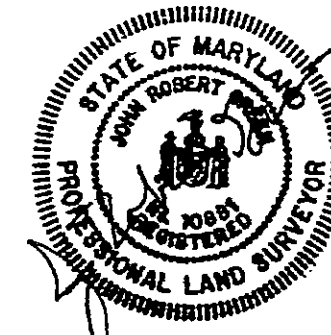
Def-MPCure-Walker, Inc.  
300 East Pennsylvania Avenue  
Towson, Maryland 21204  
410 296 3334  
Fax 296 4705

A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals

Description: 96-37-XA  
to Accompany Petition for Special Exception  
and  
Petition for Variance  
1.16 Acre Parcel  
East Side of York Road  
Eighth Election District, Baltimore County, Maryland

Beginning for the same at the end of the two following courses and distances measured from the point formed by the intersection of the centerline of York Road with the centerline of Loveton Circle, (1) Northwesterly along the centerline of York Road 410 feet, more or less, and thence at a right angle to said road (2) Northeasterly 33 feet to the point of beginning, said point of beginning having a coordinate value of North 81550 feet, more or less, and West 7800 feet, more or less, said values being referred to the coordinate system established in the Baltimore County Metropolitan District, thence leaving said beginning point and running the following courses and distances, viz: (1) North 08 degrees 36 minutes 52 seconds West 196.03 feet, thence (2) North 68 degrees 22 minutes 05 seconds East 253.52 feet, thence (3) South 21 degrees 37 minutes 55 seconds East 134.12 feet, thence (4) South 45 degrees 59 minutes 44 seconds West 211.46 feet, and thence (5) South 81 degrees 23 minutes 08 seconds West 104.83 feet to the point of the beginning; containing 1.16 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES  
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.  
June 7, 1995  
Project No. 94161.20 (L94161.20)



## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: \_\_\_\_\_ Date of Posting: 7/26/95  
Posted for: Special Exception  
Petitioner: AMPC, L.P.  
Location of property: NE/S York Rd., 410' N / Loveton Farm 410'  
Location of Sign: Along roadway, property boundary  
Remarks: \_\_\_\_\_  
Posted by: WCR Date of return: 7/26/95  
Number of Signs: 1

## CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 11, 1995  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 10, 1995

THE JEFFERSONIAN,

A. Henrichson  
LEGAL AD - TOWSON

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:  
Case: 96-37-XA  
Item: 35  
NE/S York Rd., 410' N of Loveton Farm Circle  
8th Election District  
2nd Commission  
Legal Owner:  
American PCS, L.P.  
Baltimore County Maryland  
Hearing: Wednesday, September 6, 1995 at 11:00 a.m. in Room 106, County Office Building.  
Special Exception for a wireless transmitting and receiving facility. Variance to allow a side yard setback of 27 feet in lieu of the required 50 feet and a rear yard setback of 43 feet in lieu of the required 50 feet.  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations please call 887-3353.  
(2) For information concerning the file and/or hearing, please call 887-3353.  
8/135 Aug. 10.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 154301  
DATE: 7/26/95 ACCOUNT: 96-37-XA  
AMOUNT: \$ 505.00 (WCR)  
RECEIVED FROM: American PCS, L.P.  
FOR: Drop-Off; No Review  
FOR: York Road  
VALIDATION ON SIGNATURE OF CARRIER  
PINK - AGENT YELLOW - CUSTOMER

## Baltimore County Government Department of Permits and Licenses

111 West Chesapeake Avenue  
Towson, MD 21204 887-3610

August 9, 1995

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-37-XA (Item 35)  
NE/S York Road, 410' N of Loveton Farm Circle  
8th Election District - 3rd Commission  
Legal Owner: Baltimore County Maryland  
Licensee: American PCS, L.P.  
HEARING: WEDNESDAY, SEPTEMBER 6, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Exception for a wireless transmitting and receiving facility.  
Variance to allow a side yard setback of 27 feet in lieu of the required 50 feet and a rear yard setback of 43 feet in lieu of the required 50 feet.

Carl Jablon  
Arnold Jablon  
Director  
Department of Permits and Development Management

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



## Baltimore County Department of Permits and Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 1, 1995

G. Scott Barhight, Esquire  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No.: 35  
Case No.: 96-37-XA  
Petitioner: American Personal Communications

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 26, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,  
W. Carl Richards, Jr.  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management August 16, 1995  
FROM: J. Lawrence Pilson JLP/jlw  
Development Coordinator, DEPRM  
SUBJECT: Zoning Item #35 - American Personal Communications  
Belfast Site  
Zoning Advisory Committee Meeting of August 7, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

### Air Quality

This site must comply with ANSI Standard C95.1-1982 at all times, including during reasonable roof access for maintenance personnel. Access to catwalk must be restricted by lock and key. Caution/warning signs should be placed in a prominent place close to the antennas and should advise maintenance people: a) not to stand close to the antennas and b) provide a phone number for antenna information.

JLP:BS:sp  
c: S. Reekie  
AMERICAN/DEPRM/TXTSBB



**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

8-7-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 035 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for* *Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: August 8, 1995

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 26, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 48, 49, 50, 51, 53, and 54.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Cary L. Pines*

PK/JL

ITEM26/PZONE/ZAC1

Baltimore County Government  
Fire Department



700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/08/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 07, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41 AND 42.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

**RECEIVED**

AUG 11 1995

**ZADM**

**BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: August 14, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review

RE: Zoning Advisory Committee Meeting  
for August 14, 1995  
Items 030, 031, 032, 033, 034, 035, 036, 037, 041 and 042

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sm

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

TO: Virginia W. Barnhart, County Attorney  
Office of Law

Arnold Jablon, Director  
Permits & Development Management

FROM: Fred Roman, Chief  
Office of the Budget

DATE: August 9, 1995

SUBJECT: Leasing of Tower Sites

As you are aware, APC is interested in locating on the following four 800 MHz communications towers: Red Run, North Point, Spook Hill and Catoneville. While such an arrangement is acceptable at these sites, the 800 MHz Committee has established the following requirements for all interested proposers. For your information, an APC representative had been made aware of these requirements a little more than a year ago.

1. A detailed RF inter-modulation study must be conducted by a reputable licensed Radio System Engineer or Engineering Company. This study must take into consideration all existing frequencies in use at the site, i.e., 800 MHz and 6 GHz microwave, and all future County frequencies to be used at the site. Additionally, any frequencies used by other leasing parties must be figured into the inter-modulation studies. The calculation must be performed to the seventh (7th) order.
2. A tower structural analysis based on the existing hardware load and the proposed maximum hardware load. The analysis must be completed by a licensed structural engineering firm experienced in communications tower structural analysis. All current loads will be taken into consideration. This includes (per tower) six (6) Sinclair LDF transmission line, line hangers, antennae mounts, etc. One additional SRU-40, attendant transmission line and mounting hardware will be needed to add the County's 5-channel system to each site. At this time, all cable ladders are filled to capacity, therefore, the increased tower loading presented by the addition of another ladder will require consideration in the loading calculations.

Virginia Barnhart & Arnold Jablon  
Leasing Tower Sites  
August 9, 1995  
Page 2

The County has used the services of the following company:

Neubauer & Sohn Consulting Engineers, Inc.  
7825 Tuckerman Lane  
Pocomac, MD 20854  
(301) 299-7617

When the coverage analysis and inter-modulation studies have been completed, and the proposer has decided which tower(s) will meet their system requirements, the County's Electronic Services Division will furnish the tower manufacturer's structural data.

- 3) As required, the proposer constructs their own equipment shelter and installs their own electrical and telephone service. The proposer will adhere to all applicable electrical and telephone installation codes.
- 4) The proposer secures all necessary building permits, and constructs a building which meets and or exceeds all building codes.
- 5) The proposer employs a tower hardware installation company which is approved by the County, or uses the County's contractor.

The County's contractor is:

U.S. Towers  
5263 Argo Drive  
Frederick, MD 21701  
(301) 874-5885

- 6) The proposer repairs and/or replaces the existing site grounding system if said system is damaged in any way by the building or bonding process. The County will test its grounding system prior to and following construction. If so desired, this can be performed with the proposer's representative(s) in attendance.
- 7) The proposer must install all equipment in compliance with the Motorola fixed network equipment quality standards R-56, and any and all applicable electrical and building codes.

Virginia Barnhart & Arnold Jablon  
Leasing Tower Sites  
August 9, 1995  
Page 3

Please understand that in citing the aforementioned requirements, this office is not approving the consideration offered by APC. It is assumed that the Office of Law will otherwise be responsible for negotiation of a lease agreement.

Finally, the Department of Public Works should be contacted for information on special requirements related to the water tanks identified by APC.

FR:nav

c: Kerreen E. Kelly  
W. Michael Pitcher

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

August 8, 1995

G. Scott Barthright, Esquire  
Whiteford, Taylor, and Preston  
210 West Pennsylvania Avenue  
Towson, MD 21204

RE: Preliminary Petition Review (Item #35)  
Legal Owner: Baltimore County, Maryland  
E/S York Road (Sparks)  
8th Election District

Dear Mr. Barthright:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory, and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The site plan and property description include all information for filing; however, the variance request (on petition and site plan) does not include the relief from Section 502.7.C. This includes, but is not limited to, the minimum 5 acre lot size and the minimum setback of two times the structure height. This must be addressed.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

*Mitchell J. Kellman*  
Mitchell J. Kellman  
Planner II  
Zoning Review

Enclosure (receipt)

c: Zoning Commissioner



RE: Preliminary Petition Review (Item #)  
Legal Owner:  
Election District

Dear :

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

:scj

Enclosure (receipt)

c: Zoning Commissioner

*MJK*  
*For Preliminary Review*

*Sophia*  
*8/4/95*

RE: PETITION FOR SPECIAL EXCEPTION  
PETITION FOR VARIANCE  
NE/S York Road, 410' N of Loveton Farms  
Circle, 8th Election District,  
3rd Councilmanic  
Legal Owner: Baltimore County Maryland  
Lessee: American PCS, L.P.  
Petitioners  
\* \* \* \* \*  
BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 96-37-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

AUG 11 1995

DEPT. OF PETITION & VARIANCE  
OF BALTIMORE COUNTY

WHITEFORD, TAYLOR & PRESTON  
L.L.P.

210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-4515  
410 832-2000  
FAX 410 832-2015

100 CONNOR STREET, NW  
WASHINGTON, D.C. 20004-6009  
TELEPHONE 202-696-0000  
FAX 202-696-0079

1407 KING STREET  
ALEXANDRIA, VIRGINIA 22304-2520  
TELEPHONE 703-646-9712  
FAX 703-646-0265

September 13, 1995

DELIVERY BY HAND

The Honorable Lawrence E. Schmidt  
Office of Planning & Zoning  
Room 112  
400 Washington Avenue  
Towson, Maryland 21204

Re: Special Exception Case No. 96-37-XA and Case No. 96-34-X

Dear Mr. Schmidt:

On behalf of my client, American Personal Communications, I am writing to request that you deny the request received from Mr. Paul A. Hupfer in his letter dated September 6, 1995 to delay a ruling in the above-referenced cases. In his letter Mr. Hupfer gave no adequate reason to delay a ruling in these matters. Although he states that he is requesting a delay to allow time to discuss the matter with APC, he had that opportunity prior to the zoning hearing.

Furthermore, at the hearing held on September 6, 1995, you stated on the record that you would grant the applications in these cases. As you have already ruled on the Petitions, I see no reason to delay issuing those decisions.

Thank you for your consideration of our request that you deny Mr. Hupfer's request to delay your decision. If you have any questions or comments, please feel free to call me.

Sincerely,

*Christine K. McSherry*  
Christine K. McSherry

CKM:all  
Enclosure  
cc: Mr. Paul A. Hupfer  
Mr. Greg Sarro

58203

GREATER SPARKS-GLENCOE COMMUNITY COUNCIL  
Post Office Box 396  
Sparks, Maryland 21152

September 6, 1995

Mr. Lawrence Schmidt  
Zoning Commissioner of Baltimore County  
Old Courts Building  
Towson, Maryland 21204

Mr. Schmidt,

The Greater Sparks Glencoe Community Council is requesting that the ruling on the Special Exception use of RC zoned land for wireless transmitting and receiving facilities at the Loveton Farms water tower (case number 96-37-XA) and the Spooks Hill Tower location be delayed. The GSGCC is requesting this delay to allow for an opportunity to discuss this matter with American PCS, L.P..

Thank You,

*Paul A. Hupfer*  
Paul A. Hupfer  
Chairman, Land Use, Zoning and Development Review Committee

cc: G. Scott Barhight



## Environmental Impact Statement

Belfast  
American PCS Site

August 1995  
Project No. 94161.20

Prepared for:  
American PCS, L.P.  
One Democracy Center  
Suite 600  
6901 Rockledge Drive  
Bethesda, MD 20817

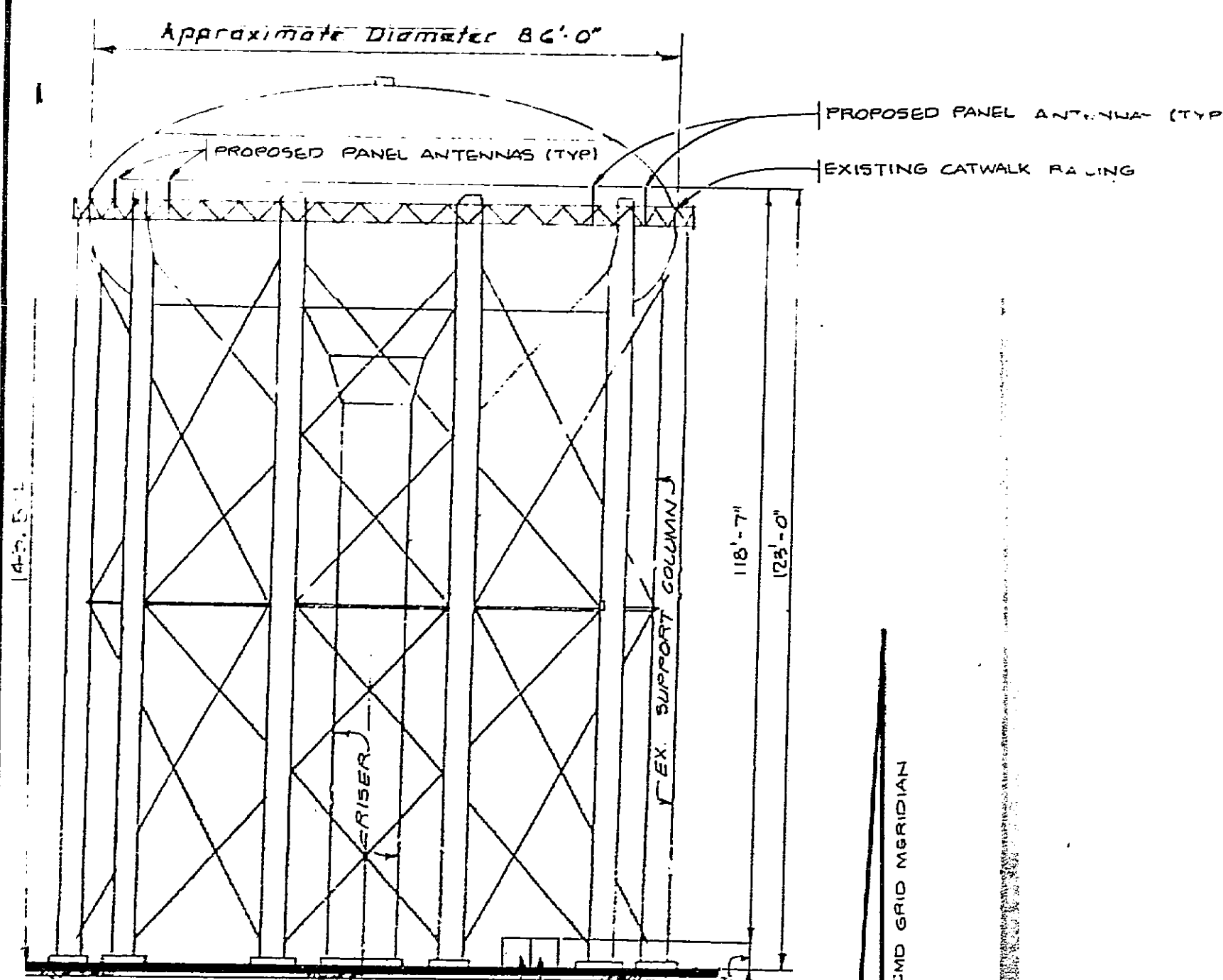
DMW  
Prepared by:  
Daft-McCune-Walker, Inc.  
200 East Pennsylvania Avenue  
Towson, Maryland 21286

*Ref No 4*

*Protestant's*  
*Exhibits 1A + 1B*  
*96-37-XA*

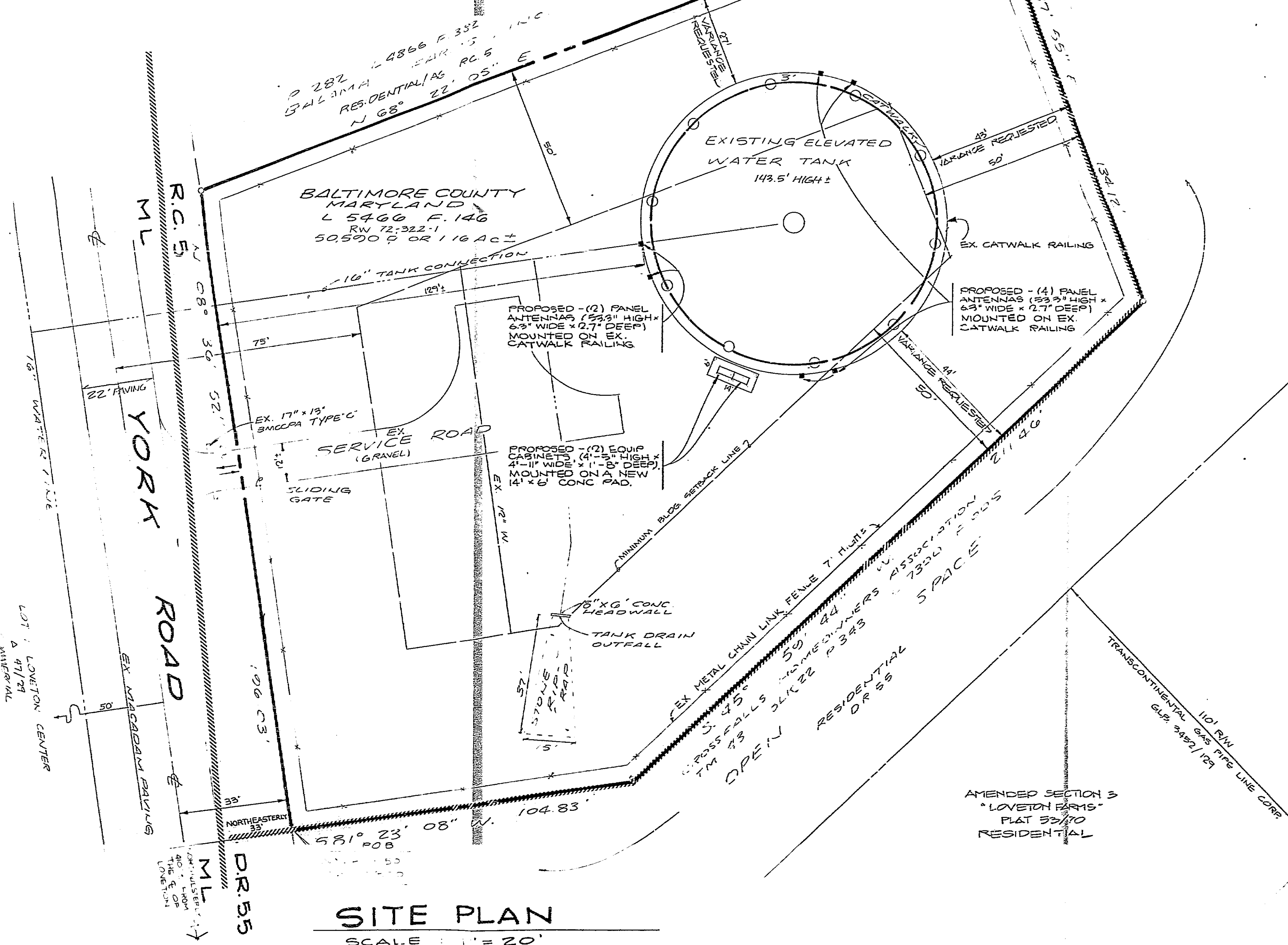
*Part 1A*



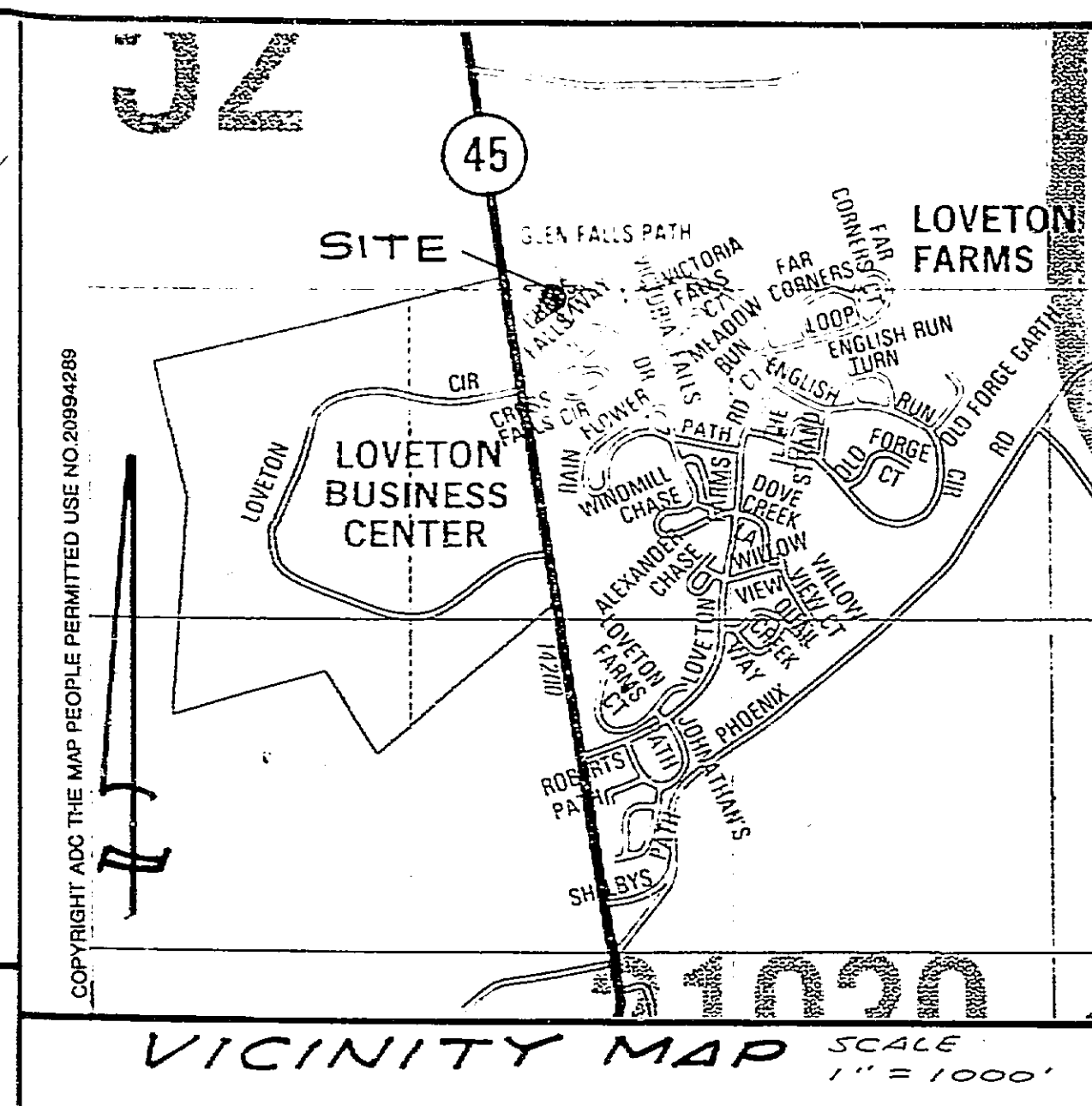
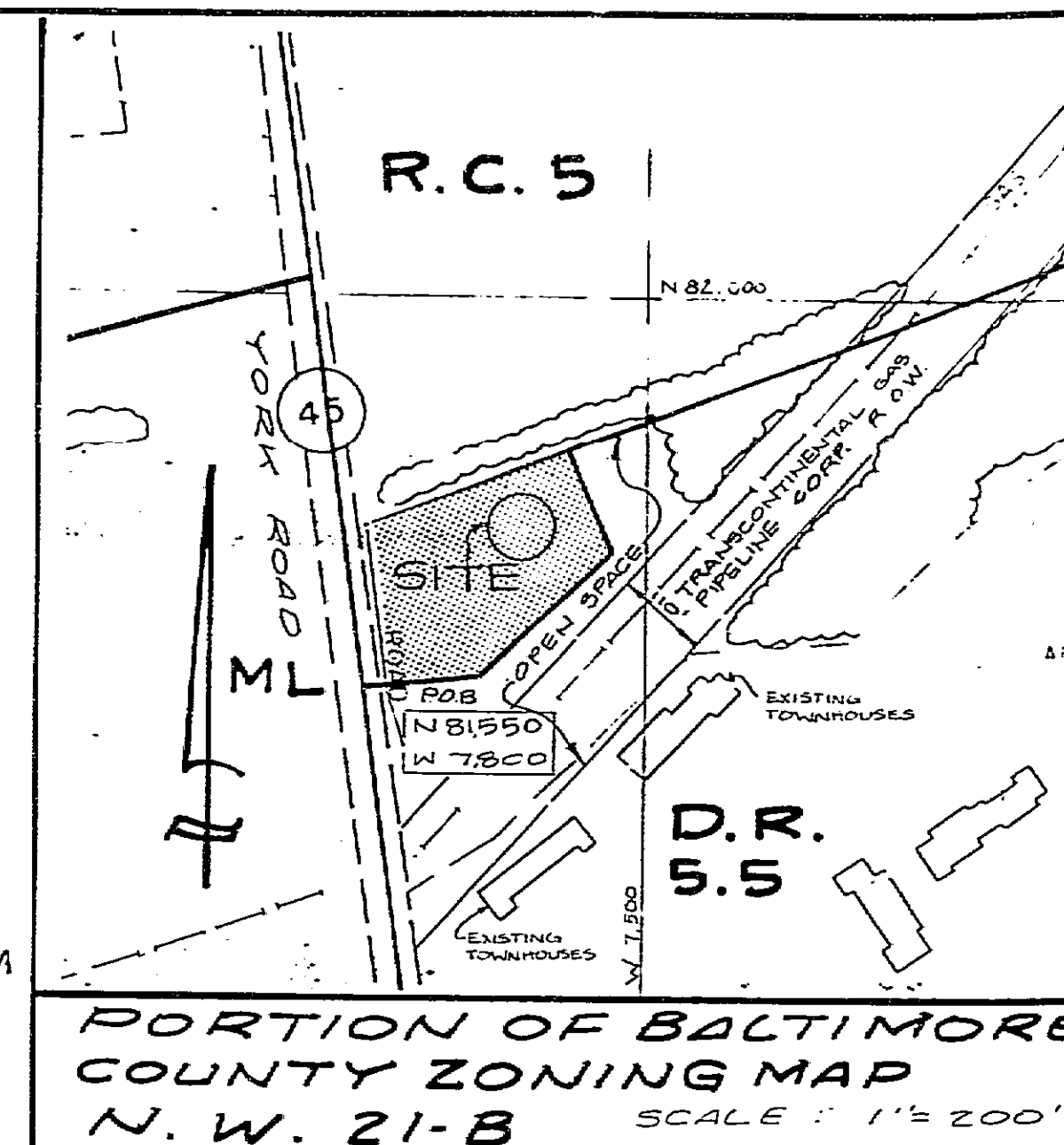


**ELEVATION PLAN**

NOT TO SCALE



**SITE PLAN**  
SCALE: 1" = 20'



Attorney: G. Scott Barhight  
Whiteford, Taylor, & Preston  
500 Court Towers  
210 West Pennsylvania Avenue  
Towson, MD 21204-4515  
(410) 832-2000

**Requested Zoning Action**

Petition for Special Exception to allow a wireless transmitting and receiving installation pursuant to § 1A04.2b 21.  
  
Petition for Variance to § 1A04.3b3 to permit a side yard setback of 27 feet in lieu of the required 50 feet, and to permit a rear yard setback of 43 feet in lieu of the required 50 feet.

**NOTES:**

- Current owner and street address: Baltimore County, Maryland Courthouse, Towson, MD 21204
- Contract lessee: American PCS, L.P., One Democracy Center, 6901 Rockledge Drive, Suite 600, Bethesda, MD 20817
- Site area: 1.16 Ac ±
- Existing use: Public Utility (Water Tank)
- Street Address: East side of York Road, Sparks, Maryland 21152
- Site data: Tax map 34 block 16, parcel 313, Deed reference: 5466146, Tax Account No.: 16-00-014526E, Zoning: R.C. 5, Election District: 8, Councilmanic District: 3
- The proposed tower-mounted wireless transmitting and receiving installation will consist of (6) panel antennas measuring 53.3" high x 6.3" wide x 2.7" deep, and (2) equipment cabinets measuring 4'-5" high x 4'-11" wide x 1'-8" deep.
- No water or sanitary utilities are required for the facility.
- The information and boundary location shown hereon have been compiled from Baltimore County DPW drawing 72-1218 and Pittsburgh-Des Moines Steel Company Structural drawing #3, contract no. 14094 and sources believed to be reliable; however their accuracy is not guaranteed and is subject to revision.
- Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times.
- When the use is terminated, the proposed installation shall be removed.
- Every five years, or sooner in the event of substantial damage, a certification by a professional engineer registered in Maryland shall be filed with the Department of Permits and Licenses indicating that the antennas, all mounting brackets and hardware meets all safety requirements. Any upgrading or maintenance required to comply with any changes in safety requirements, or to maintain the safety thereof, shall be performed prior to the filing of such certification.
- No white stroboscopic lights are permitted or proposed.
- An environmental impact statement, as defined in Section 101 of the Baltimore County Zoning Ordinance shall be submitted to the Zoning Commissioner.
- No additional site or antennae lights are proposed.
- Zoning History: There are no prior zoning cases listed for this property.
- Previous Permits: There are no permits listed for this property.
- There are no signs proposed for this facility.
- Floor area ratio: n/a
- Setbacks:
 

	Required to Ex. Building	Provided to Catwalk On Ex. Water Tank
Front:	75' from CL street	130' ±
Side(north):	50'	27' ±
Side(south):	50'	43' ±
Rear:	50'	43' ±
* Variance requested		
- Amenity open space: N/A
- Parking: Proposed Spaces: 0  
The existing gravel service road will function as parking.  
The proposed wireless transmitting and receiving installation do not block or affect any existing parking spaces.

96-37-XA

35

PRINTED  
JUL 24 1995  
DAFT-McCUNE-WALKER INC

**DMW**  
DAFT McCUNE WALKER, INC.  
A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals

209 E. Pennsylvania Avenue  
Towson, Maryland 21286  
(410) 296-8333  
Fax: 296-4705

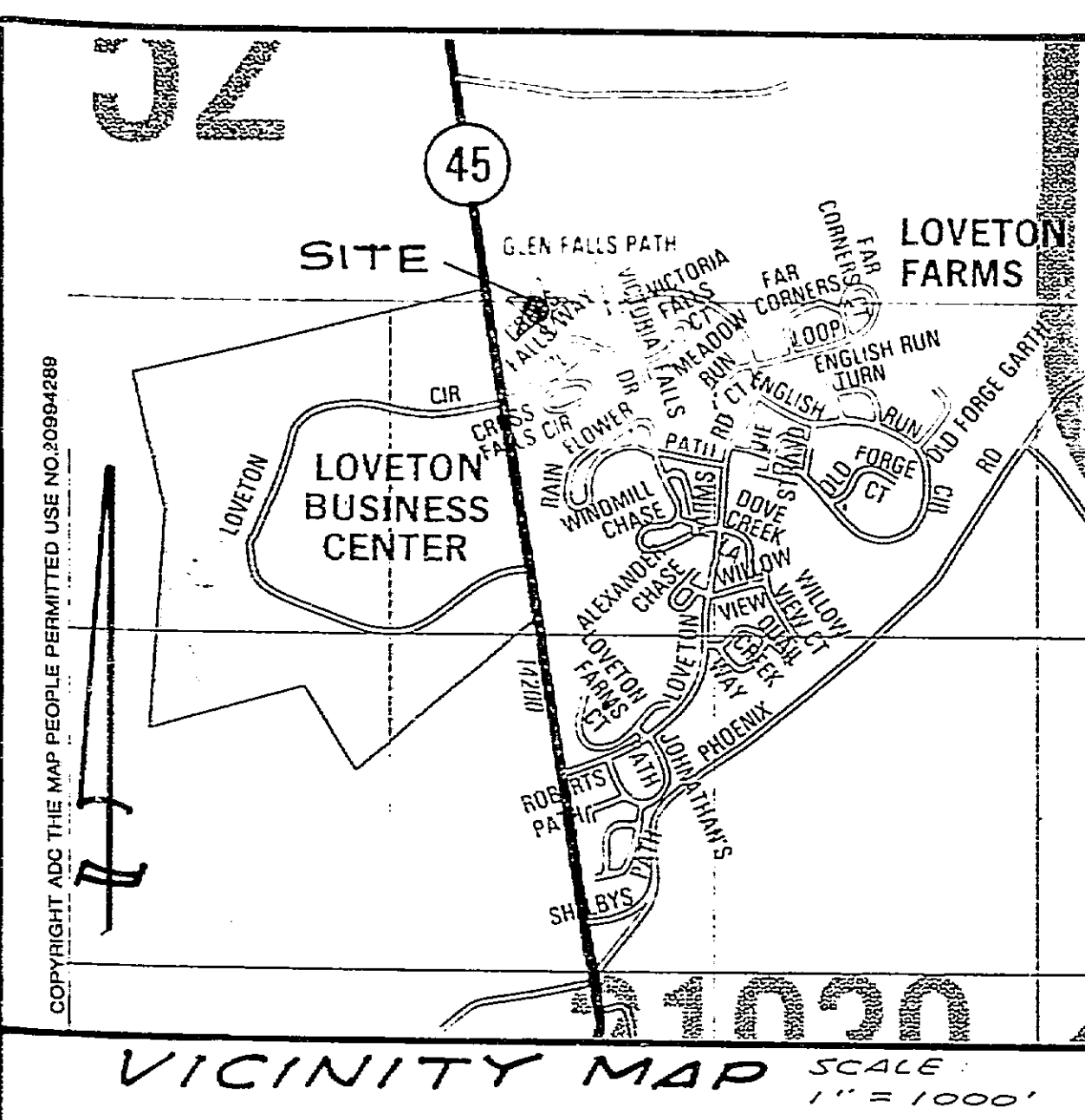
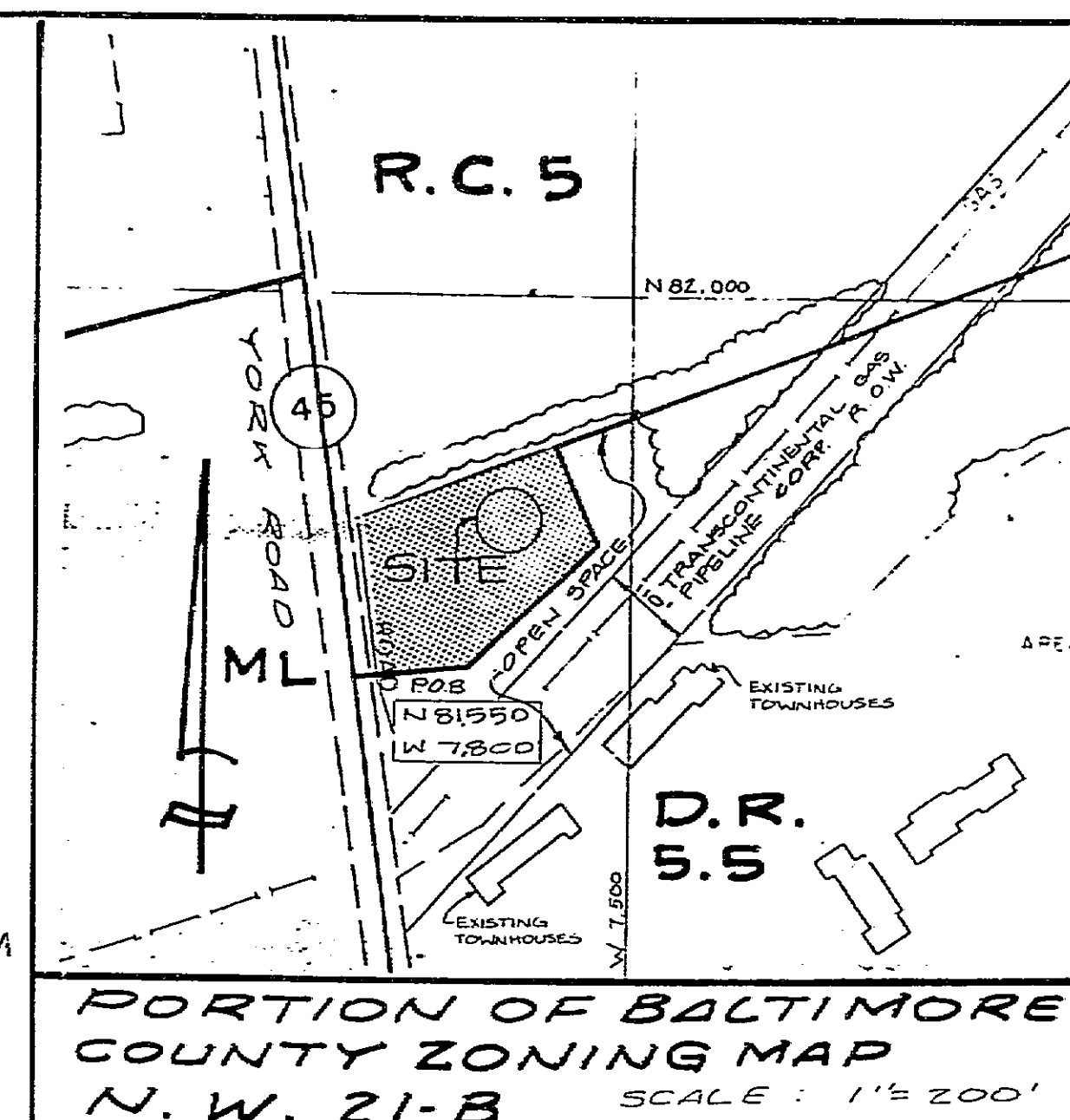
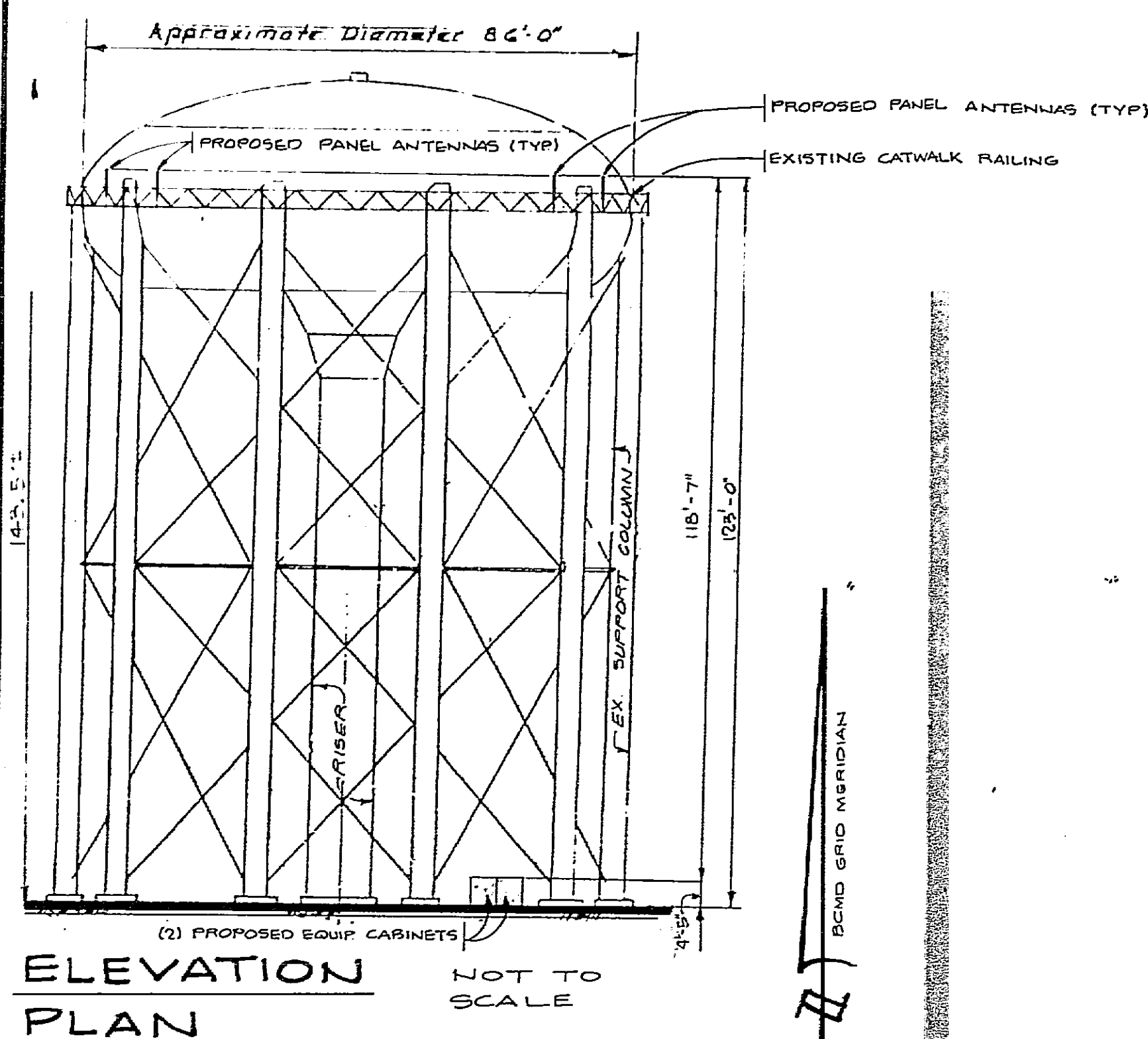
American Personal Communications  
Site Plan to accompany Petition for Special Exception and Petition for Variance  
**BELFAST SITE BAN 02**  
8th Election District

No.	Description	Date
REVISIONS		
Proj. No.	24161.20	
Date	07-19-95	
Scale	AS SHOWN	
Last Rev.		

Sheet

1 OF 1





**DMW**  
 Dept. McGee Walker, Inc.  
 A Team of Land Planners,  
 Landscape Architects,  
 Engineers, Surveyors &  
 Environmental Professionals  
 209 E. Pennsylvania Avenue  
 Towson, Maryland 21204  
 (410) 294-3333  
 Fax: 294-4705

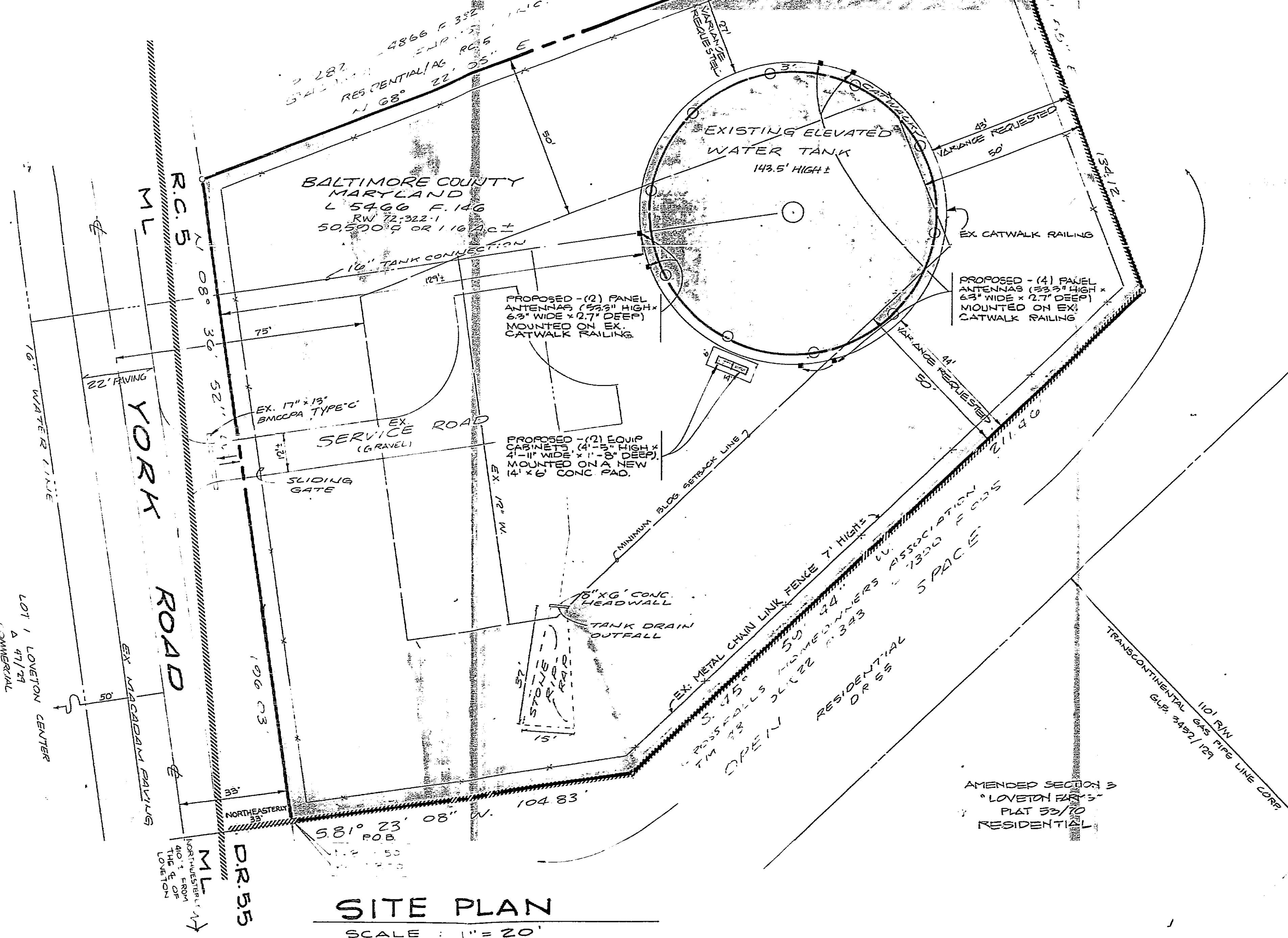
Attorney: G. Scott Barhight  
 Whiteford, Taylor, & Preston  
 500 Court Towers  
 210 West Pennsylvania Avenue  
 Towson, MD 21204-4515  
 (410) 832-2000

**Requested Zoning Action**

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 Petition for Variance to § 1A04.3b3 to permit a side yard setback of 27 feet in lieu of the required 50 feet, and to permit a rear yard setback of 43 feet in lieu of the required 50 feet.

**NOTES:**

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- Site area: 1.16 Ac ±
- Existing use: Public Utility (Water Tank)
- Street Address: East side of York Road, Sparks, Maryland 21152
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 Deed reference: 54681/46  
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 Election District: 8  
 Councilmanic District: 3
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- Every five years, or sooner in the event of substantial damage, a certification by a professional engineer registered in Maryland shall be filed with the Department of Permits and Licenses indicating that the antennas, all mounting brackets and hardware meets all safety requirements. Any upgrading or maintenance required to comply with any changes in safety requirements, or to maintain the safety thereof, shall be performed prior to the filing of such certification.
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- No additional site or antennae lights are proposed.
- Zoning History: There are no prior zoning cases listed for this property.
- Previous Permits: There are no permits listed for this property.
- There are no signs proposed for this facility.
- Floor area ratio: n/a
- Setbacks: Required to Ex. Building: Front: 75' from CL street, Side(north): 50', Side(south): 50', Rear: 50', Variance requested: 130' ±, 27' ±, 43' ±, 43' ±. Provided to Catwalk On Ex. Water Tank.
- Amenity open space: N/A
- Parking: Proposed Spaces: 0. The existing gravel service road will function as parking. The proposed wireless transmitting and receiving installation do not block or affect any existing parking spaces.



Baltimore County, Maryland

American Personal Communications

Site Plan to accompany Petition for Special Exception and Petition for Variance

**BELFAST SITE BAN 02**

8th Election District

No.	Description	Date
REVISIONS		
Proj. No.	04161.20	
Date	07-19-95	
Scale	AS SHOWN	
Last Rev.		

Sheet 1 OF 1